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Presidential Documents

Title 3—THE PRESIDENT

Executive Order 10896

AMENDMENT OF EXECUTIVE ORDER NO. 6260 OF AUGUST 28, 1933

By virtue of the authority vested in me by section 5(b) of the act of October 6, 1917, as amended, 12 U.S.C. 95a, and in view of the continued existence of the national emergency proclaimed by Proclamation No. 2914 of December 16, 1950, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby confirm Executive Order No. 6260 of August 28, 1933, as amended, and do hereby further amend Executive Order No. 6260 as follows:

1. Section 3 is revoked.
2. The first paragraph of section 5 is amended by deleting the proviso at the end thereof, and by inserting a period in place of the colon after the phrase "this Executive Order" where it appears in such paragraph.
3. Section 7 is revoked.

This amendment of Executive Order No. 6260, as amended, shall not affect any act done, or any right accruing or accrued or any suit or proceeding had or commenced in any civil or criminal cause prior to the effective date of this amendment, and all penalties, forfeitures, and liabilities under Executive Order No. 6260, as heretofore amended, shall continue and may be enforced as if this amendment had not been made. All licenses, orders, rules, or regulations heretofore issued under Executive Order No. 6260, as amended, and now in effect, including the Gold Regulations constituting Part 54 of Title 31 of the Code of Federal Regulations, are hereby approved, ratified, and confirmed and shall continue in full force and effect until amended, modified, or revoked by the Secretary of the Treasury.

This amendment shall become effective upon filing for publication with the Office of the Federal Register.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
November 29, 1960.

[F.R. Doc. 60–11217; Filed, Nov. 29, 1960; 1:32 p.m.]

Rules and Regulations

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES AND OTHER OPERATIONS

[1960 C.C.C. Grain Price Support Bulletin 1, Supp. 2, Amdt. 4, Wheat]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1960-Crop Wheat Loan and Purchase Agreement Program

BASIC COUNTY SUPPORT RATES

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in (25 F.R. 3915, 4631, 7479 and 9196), containing the specific requirements of the 1960-crop wheat price support program are hereby amended as follows:

Section 421.5047(b) is amended by increasing the following basic county support rates:

IDAHO

County	Rate per bushel From—	Rate per bushel To—
Benewah	$1.69	$1.75
Bonner	1.61	1.64
Boundary	1.58	1.66
Clearwater	1.69	1.74
Idaho	1.67	1.72
Kootenai	1.70	1.76
Latah	1.70	1.76
Lewis	1.68	1.73
Nez Perce	1.70	1.76

MONTANA

County	Rate per bushel From—	Rate per bushel To—
Deer Lodge	$1.53	$1.55
Flathead	1.50	1.56
Granite	1.50	1.58
Jefferson	1.54	1.55
Lake	1.50	1.60
Lincoln	1.52	1.56
Mineral	1.51	1.62
Missoula	1.50	1.62
Powell	1.53	1.57
Ravalli	1.47	1.59
Sanders	1.51	1.62
Silver Bow	1.54	1.55

OREGON

County	Rate per bushel From—	Rate per bushel To—
Baker	$1.70	$1.76
Crook	1.81	1.82
Deschutes	1.81	1.82
Gilliam	1.83	1.84
Grant	1.81	1.82
Jefferson	1.83	1.85
Morrow	1.82	1.83
Sherman	1.83	1.85
Umatilla	1.78	1.82
Union	1.73	1.77
Wallowa	1.71	1.74
Wasco	1.86	1.88
Wheeler	1.81	1.82

WASHINGTON

County	Rate per bushel From—	Rate per bushel To—
Adams	$1.75	$1.80
Asotin	1.70	1.76
Benton	1.81	1.82
Chelan	1.79	1.82
Columbia	1.76	1.81
Douglas	1.76	1.80
Franklin	1.78	1.82
Garfield	1.75	1.79
Grant	$1.77	$1.81
Grays Harbor	1.77	1.78
King	1.85	1.86
Kittitas	1.84	1.86
Klickitat	1.84	1.85
Lincoln	1.74	1.79
Okanogan	1.75	1.78
Spokane	1.71	1.76
Stevens	1.64	1.70
Thurston	1.79	1.80
Walla Walla	1.77	1.82
Whitman	1.72	1.77
Yakima	1.80	1.82

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; Title II, 73 Stat. 178, 15 U.S.C. 1441, 1421)

Issued this 25th day of November 1960.

CLARENCE D. PALMBY,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 60-11158; Filed, Nov. 30, 1960; 8:48 a.m.]

[1960 C.C.C. Grain Price Support Bulletin 1, Supp. 2, Amdt. 3, Barley]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1960-Crop Barley Loan and Purchase Agreement Program

BASIC COUNTY SUPPORT RATES

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in 25 F.R. 3570, 4445, 4894, 5263, 8179, and 9197, and containing the specific requirements for the 1960-crop barley price support program are hereby amended as follows:

Section 421.5087(b) is amended by increasing the following basic county support rates:

IDAHO

County	Rate per bushel From—	Rate per bushel To—
Benewah	$0.79	$0.83
Bonner	.72	.75
Boundary	.70	.76
Clearwater	.79	.82
Idaho	.77	.81
Kootenai	.79	.84
Latah	.80	.84
Lewis	.78	.82
Nez Perce	.80	.84

MONTANA

County	Rate per bushel From—	Rate per bushel To—
Broadwater	$0.59	$0.66
Deer Lodge	.59	.68
Flathead	.63	.68
Gallatin	.59	.65
Granite	.60	.69
Jefferson	.59	.68
Lake	.63	.71
Lincoln	.65	.68
Madison	.59	.66
Mineral	.64	.73
Missoula	.63	.73
Powell	.59	.69
Ravalli	.60	.71
Sanders	.64	.73
Silver Bow	.59	.68

OREGON

County	Rate per bushel From—	Rate per bushel To—
Baker	$0.80	$0.84
Crook	.88	.89
Deschutes	.88	.89
Gilliam	.90	.91
Grant	.88	.89
Jefferson	.90	.91
Morrow	.89	.90
Sherman	.90	.91
Umatilla	.86	.89
Union	.81	.85
Wallowa	.80	.82
Wasco	.92	.94
Wheeler	.88	.89

WASHINGTON

County	Rate per bushel From—	Rate per bushel To—
Adams	$0.84	$0.88
Asotin	.80	.84
Chelan	.86	.89
Columbia	.84	.88
Douglas	.84	.87
Franklin	.86	.89
Garfield	.83	.86
Grant	.85	.88
Grays Harbor	.85	.86
Kittitas	.91	.92
Klickitat	.90	.91
Lincoln	.82	.86
Okanogan	.84	.86
Spokane	.80	.85
Stevens	.75	.79
Walla Walla	.85	.89
Whatcom	.87	.88
Whitman	.81	.85
Yakima	.87	.89

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 105, 401, 63 Stat. 1051, as amended, Title II, 73 Stat. 178, 15 U.S.C. 714, 7 U.S.C. 1421, 1441)

Issued this 25th day of November 1960.

CLARENCE D. PALMBY,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 60-11156; Filed, Nov. 30, 1960; 8:47 a.m.]

[1960 C.C.C. Grain Price Support Bulletin 1, Supp. 2, Amdt. 2, Rye]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1960-Crop Rye Loan and Purchase Agreement Program

BASIC COUNTY SUPPORT RATES

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in (25 F.R. 3781, 4895, 6497 and 9196), containing the specific requirements of the 1960-crop rye price support program are hereby amended as follows:

Section 421.5387(b) is amended by increasing the following basic county support rates:

IDAHO

County	Rate per bushel From—	Rate per bushel To—
Benewah	$0.96	$1.01
Bonner	.88	.91
Boundary	.86	.92
Clearwater	.96	1.00
Idaho	.94	.99
Kootenai	.96	1.02

IDAHO—Continued

County	Rate per bushel From—	To—
Latah	$0.97	$1.02
Lewis	.95	1.00
Nez Perce	.97	1.02

MONTANA

County	From—	To—
Broadwater	$0.73	$0.81
Deer Lodge	.73	.83
Flathead	.78	.84
Gallatin	.73	.79
Granite	.74	.85
Jefferson	.73	.83
Lake	.78	.87
Lincoln	.80	.84
Madison	.73	.81
Mineral	.78	.89
Missoula	.77	.89
Powell	.73	.85
Ravalii	.74	.87
Sanders	.79	.89
Silver Bow	.73	.83

OREGON

County	From—	To—
Baker	$0.97	$1.02
Crook	1.06	1.08
Deschutes	1.07	1.08
Gilliam	1.09	1.10
Grant	1.07	1.08
Jefferson	1.09	1.10
Morrow	1.08	1.09
Sherman	1.09	1.11
Umatilla	1.04	1.08
Union	.99	1.03
Wallowa	.97	1.00
Wasco	1.12	1.13
Wheeler	1.07	1.08

WASHINGTON

County	From—	To—
Adams	$1.02	$1.06
Asotin	.97	1.02
Chelan	1.05	1.07
Columbia	1.02	1.07
Douglas	1.02	1.06
Franklin	1.04	1.08
Garfield	1.01	1.05
Grant	1.03	1.07
Grays Harbor	1.03	1.04
King	1.11	1.12
Kittitas	1.10	1.11
Klickitat	1.09	1.10
Lincoln	1.00	1.05
Okanogan	1.03	1.04
Pacific	1.01	1.04
Spokane	.98	1.03
Stevens	.91	.96
Thurston	1.05	1.06
Walla Walla	1.03	1.08
Whitman	.98	1.03
Yakima	1.06	1.08

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 105, 401, 63 Stat. 1051, as amended; Title II, 73 Stat. 178, 15 U.S.C. 714c, 7 U.S.C. 1421, 1441)

Issued this 25th day of November 1960.

CLARENCE D. PALMBY,
Acting Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 60-11157; Filed, Nov. 30, 1960; 8:48 a.m.]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—Warehouse Approval Standards and Instructions

A new subpart, Warehouse Approval Standards and Instructions, is added to Part 421 to read as follows:

Sec.
421.5551 General statement and administration.
421.5552 Exceptions.
421.5553 Application requirements.
421.5554 Warehouse and operational standards.
421.5555 Inspection of warehouses.
421.5556 Basis for approval or disapproval.
421.5557 Other conditions for disapproval.
421.5558 Bonding requirements.
421.5559 Approval of warehouse and duration of approval.
421.5560 Waiver of requirements.

AUTHORITY: §§ 421.5551 to 421.5560 issued under sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 105, 301, 401, 63 Stat. 1051, as amended; 15 U.S.C. 714c, 7 U.S.C. 1441, 1447, 1421.

§ 421.5551 General statement and administration.

This subpart outlines the procedure to be followed by warehousemen who desire approval of their facilities by Commodity Credit Corporation (hereinafter referred to as "CCC") for the storage and handling of grain, rice, seed, and dry edible beans (hereinafter referred to as "grain") owned by CCC or held by CCC as security for loans and sets out the requirements of CCC for approval of such warehouses. Warehousemen desiring approval of their facilities should communicate with the CSS Commodity Office (hereinafter referred to as "commodity office"), serving the State in which the storage facilities are located. These commodity offices and the States which they serve are:

(a) Dallas CSS Commodity Office, United States Department of Agriculture, 500 South Ervay Street, Dallas 1, Tex.—

Alabama.
Arkansas.
Florida.
Georgia.
Louisiana.
Mississippi.
New Mexico.
North Carolina.
Oklahoma.
South Carolina.
Tennessee.
Texas.

(b) Evanston CSS Commodity Office, United States Department of Agriculture, 2201 Howard Street, Evanston, Ill.—

Connecticut.
Delaware.
Illinois.
Indiana.
Iowa.
Kentucky.
Maine.
Maryland.
Massachusetts.
Michigan.
New Hampshire.
New Jersey.
New York.
Ohio.
Pennsylvania.
Rhode Island.
Vermont.
Virginia.
West Virginia.

(c) Kansas City CSS Commodity Office, United States Department of Agriculture, P.O. Box 205, Kansas City 41, Mo.—

Colorado.
Kansas.
Missouri.
Nebraska.
Wyoming.

(d) Minneapolis CSS Commodity Office, United States Department of Agriculture, 6400 France Avenue South, Minneapolis 10, Minn.—

Minnesota.
Montana.
North Dakota.
South Dakota.
Wisconsin.

(e) Portland CSS Commodity Office, United States Department of Agriculture, 1218 SW. Washington Street, Portland 5, Oreg.—

Alaska.
Arizona.
California.
Hawaii.
Idaho.
Nevada.
Oregon.
Utah.
Washington.

A warehouse must be approved by a commodity office before such warehouse will be utilized for the storage and handling of grain. The commodity offices will furnish warehousemen with full information as to securing approval of their facilities together with the necessary CCC forms. No commitment or guarantee of occupancy shall be made on behalf of the U.S. Department of Agriculture or CCC regarding the use of any storage facilities before or after a warehouse has been approved for storage and an agreement has been entered into with CCC.

§ 421.5552 Exceptions.

Notwithstanding any other provision hereof:

(a) The provisions of this subpart are not applicable to storage outside of the continental limits of the United States,, to the purchase of grain in storage for prompt shipment, or to handling of a temporary nature.

(b) Warehousemen licensed under the United States Warehouse Act will not be required to furnish to CCC performance bonds, financial statements, or credit reports in order to be approved hereunder, and CCC will not inspect their warehouses.

(c) In any case in which a Certificate of Competency is issued by the Small Business Administration with respect to a warehouseman, the certificate will be accepted as establishing conformance by the warehouseman with the standards set out in § 421.5554 (b), (c)(2), (f), (g), and (i), and the warehouseman will not be required to furnish bond coverage for deficiency in net worth or working capital.

§ 421.5553 Application requirements.

In applying for approval of a warehouse for storage and handling of grain, the warehouseman must submit a completed Form CCC-24, Application for Approval of Warehouse (Grain, Rice, Seed, and Dry Edible Beans), a completed Form CCC-24-1, Supplement to Application for Approval of Warehouse (Grain, Rice, Seed, and Dry Edible Beans), a current financial statement (CCC Form 68, Statement Showing Assets and Liabilities, or an acceptable substitute form) and any other documents or information required by the commodity office. When the warehouseman employs the service of a public accountant, the financial statement shall be certified by the public accountant. In connection with an application for a new storage agreement, the financial statement shall cover a period ending not more than sixty days prior to the date of the application. In connection with an application for additional storage under an existing storage agreement, a current financial statement may be required if the commodity office deems it necessary to protect the interests of CCC.

§ 421.5554 Warehouse and operational standards.

CCC will consider applications for approval of warehouses upon the basis of the applicant's conformance with the following standards as determined by the appropriate commodity offices:

(a) The warehouseman must be an individual or an existing legal entity organized in good faith to operate a warehousing business and, if organized in the corporate form must have authority to do a public warehousing business.

(b) The physical plant and equipment must be adequate for the proper handling and safe storage of the commodities.

(c) (1) The warehouse must be under the control of the contracting warehouseman at all times.

(2) The warehouseman or his supervisory employees must have sufficient experience and knowledge of the warehousing business to enable them to give adequate protection and services for the proper storage and handling of the commodity.

(d) Where the State or local law requires licensing to act as a public warehouseman, the license must be made available or posted in the warehouse or a notice that the warehouseman is licensed must have been received by the commodity office from the licensing authority.

(e) The warehouseman and all responsible officers or employees of the warehouseman must have satisfactorily complied with CCC's instructions and with the provisions of all agreements with CCC.

(f) The warehouse must not be subject to undue fire, flood or other hazards.

(g) The warehouse must have adequate equipment for fighting flash fires.

(h) The warehouseman must maintain adequate inventory and operating records.

(i) The warehouseman must have sufficient net worth to assure his financial responsibilities.

(j) The warehouseman must carry surety bonds as specified in § 421.5558.

(k) The warehouseman must apply for approval upon prescribed forms as specified in § 421.5553.

§ 421.5555 Inspection of warehouses.

Each warehouse (except warehouses licensed under the U.S. Warehouse Act) will be inspected by a warehouse examiner prior to the time the warehouse is approved to determine whether the warehouse conforms with the various standards and requirements for approval set out in this subpart. The warehouse examiner will make recommendations to the commodity office regarding the approval or disapproval of the warehouse.

§ 421.5556 Basis for approval or disapproval.

The commodity office will review and analyze the information disclosed by the warehouseman's application, warehouse examiner's report, financial statement, credit reports, recommendations of the warehouse examiner, and other pertinent information available from other sources. If, on the basis of this review and analysis, the commodity office determines that the warehouseman and the warehouse conform with the standards and other requirements set out in this subpart, and if the warehouseman furnishes a performance bond or substitute security in accordance with § 421.5558, the warehouse will be approved. If the commodity office determines that one or more of the standards of § 421.5554 are not met, the applicant may be disapproved or he may be approved if it is determined by the commodity office that the conditions for storage and handling within the facility provide satisfactory protection for grain, that the services of the warehouseman are required by CCC in fulfilling its responsibilities under the grain price support program, and a bond (or substitute security) is furnished in an amount determined by the commodity office to be necessary to protect the interests of CCC, such bond being in an amount at least equal to twice the amount of the bond coverage requirement (other than for deficiency in net worth or working capital) under § 421.5558. In addition, all other requirements of § 421.5558 must be met. The warehouseman shall also furnish any additional bond coverage required under § 421.5558 for deficiency in net worth and working capital.

§ 421.5557 Other conditions for disapproval.

Applications will not be approved in the event that:

(a) A licensed warehouseman is in violation of the regulations of the licensing authority or if any condition which may have resulted in the refusal, suspension or revocation of any warehouse license has not been corrected by the warehouseman to the satisfaction of CCC.

(b) There is substantial evidence of fraudulent or dishonest acts on the part of the warehouseman or any responsible officer or employee of the warehouse.

§ 421.5558 Bonding requirements.

(a) Except as otherwise provided in this subpart, the performance bond to be furnished to CCC by each warehouseman shall be on CCC Form 33, Warehouseman's Bond-Storage Agreement, copies of which may be obtained from the commodity office and shall be executed by surety companies which have been approved by the United States Treasury Department and which maintain an officer or representative authorized to accept service of legal process in the State where the warehouse is located.

(b) The amount of bond coverage to be provided by a warehouseman shall be determined as follows:

(1) Bond coverage for a warehouseman applying for approval of a facility for the storage of grain, who fully conforms with all of the standards and requirements specified in § 421.5554 and who has available sufficient working capital to operate his business, shall be in the amount of 6 percent of the value, as determined annually by the Executive Vice President, CCC, of the commodity usually stored in the greatest quantity in his storage facility, multiplied by the total capacity of such facility: *Provided*, That such bond coverage shall not be less than $5,000 and need not be more than $200,000. In addition, if the commodity office determines that the net worth of the warehouseman is not equal to at least 4 percent of the value, as determined annually by the Executive Vice President, CCC, of the commodity usually stored in greatest quantity in his facility, multiplied by the total capacity of such facility, or if it appears that the warehouseman will not have available sufficient working capital to operate his business, any such deficiency in net worth or in working capital must be compensated by additional bond coverage equal to the amount of such deficiency. The value per bushel to be used in computations under this paragraph may be obtained from the commodity office.

(2) Bond coverage for a warehouseman applying for approval of a facility solely for handling only operations and fully conforming to all applicable standards in § 421.5554, shall be $5,000.

(3) Nothwithstanding the foregoing provisions of this paragraph, if in the light of all the circumstances regarding operation of the warehouse, the commodity office determines that the amount of bond coverage required under this subpart is not sufficient properly to protect the interests of CCC, it may require such additional bond coverage as it deems necessary for such purpose.

(c) In the case of a warehouseman applying for approval of more than one facility in the same State, all such facilities in that State shall be considered as one facility for the purpose of determining bond requirement.

(d) State warehouse bond, cash, negotiable securities, and legal liability insurance policies may be substituted for bonds on CCC Form 33 on the following conditions:

(1) A State warehouse bond furnished by a warehouseman licensed under State laws and State supervision or under the regulations of nongovernmental supervisory agencies will be accepted by CCC in lieu of the equivalent amount of bond coverage required under this subpart if CCC determines that it affords sufficient protection to depositors to warrant such substitution. Such bond must be executed by satisfactory corporate sureties and must either be noncancelable for a definite period or include a rider providing for 90 days' notice to CCC prior to cancellation. In case the warehouseman has more than one facility in the same State and has State warehouse bonds covering such facilities which are determined to be acceptable to CCC, the excess coverage on one facility may not be applied against insufficient bond coverage on another facility.

(2) Cash or negotiable securities will be accepted in lieu of the equivalent amount of required bond coverage. The commodity office will determine the acceptability of and valuation to be placed on any such securities in substitution for bond coverage. When the period for which the bond was required has ended and the commodity office determines that all liability under the agreement has terminated, the cash or securities will be returned to the warehouseman.

(3) Warehouseman's legal liability insurance policies will be accepted in lieu of the equivalent amount of required bond coverage if it is determined by CCC that such policies provide protection at least equivalent to that provided by the performance bond for which substitution is being made.

§ 421.5559 Approval of warehouse and duration of approval.

(a) When a warehouse has been approved, it shall be eligible for an agreement with CCC and a notice of approval will be forwarded to the warehouseman. Upon approval of a warehouse and execution of an agreement with CCC, the warehouse will be eligible to store and handle CCC-owned grain and grain under CCC's loan and purchase agreement programs.

(b) Approval of the warehouse will remain in effect until suspended or terminated. The financial condition of and the amount of bond, or substitute security furnished by approved warehousemen, will be reviewed from time to time to determine that the requirements of CCC are being met and the warehouseman shall furnish any additional bond coverage or substitute security which CCC may determine to be required under the provisions of this subpart. The warehouse will be re-examined from time to time to determine its continued acceptability. If CCC at any time determines that a warehouseman or his warehouse facility do not conform with the standards and other requirements set out in this subpart, CCC shall suspend or terminate approval of the warehouse for price support purposes and take such other appropriate action as may be necessary to protect the interests of CCC and producers.

§ 421.5560 Waiver of requirements.

In the event warehousing services required in fulfilling responsibilities under CCC programs cannot be secured under the provisions of this subpart and no reasonable and economical alternative is available, CCC may exempt the applicant from one or more of the provisions of this subpart and may establish other requirements in lieu thereof as determined necessary to safeguard the interests of CCC.

Issued this 25th day of November 1960.

Clarence D. Palmby,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 60-11184; Filed, Nov. 30, 1960; 8:51 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 2—FILLING COMPETITIVE POSITIONS

Appointments

1. Paragraph (d) of § 2.308 is amended as set out below:

§ 2.308 Overseas limited appointment.

* * * * *

(d) *Duration of appointment.* Appointments under this section shall be of indefinite duration except that under the conditions and circumstances prescribed by the Commission in the Federal Personnel Manual appointments may be limited to periods not in excess of one year to meet administrative needs for temporary employment. Appointments, when made for periods of one year or less, may be extended under conditions specified by the Commission in the Federal Personnel Manual.

2. Paragraph (d) of § 2.309 is amended as follows:

§ 2.309 Noncompetitive appointment of former employees of Canal Zone Merit System.

* * * * *

(d) *Tenure of appointment.* (1) Persons appointed under this section without time limitation shall be given career appointments if they completed the service requirement for career appointment under the Canal Zone Merit System; otherwise, they shall be given career-conditional appointments, which are automatically converted to career appointments upon completion of three (3) years of creditable service in accordance with the provisions of § 2.301(a)(2).

(2) Persons given temporary limited appointment under this section have tenure only as temporary employees.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

United States Civil Service Commission,
[seal] Mary V. Wenzel,
Executive Assistant to the Commissioners.

[F.R. Doc. 60-11138; Filed, Nov. 30, 1960; 8:45 a.m.]

Title 7—AGRICULTURE

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

SUBCHAPTER F—DETERMINATION OF NORMAL YIELDS AND ELIGIBILITY FOR ABANDONMENT AND CROP DEFICIENCY PAYMENTS

[Sugar Determination 845.2, Amdt. 3]

PART 845—MAINLAND CANE SUGAR AREA

1959 and Subsequent Crops

Pursuant to the provisions of section 303 of the Sugar Act of 1948, as amended, paragraph (c) of § 845.2 (23 F.R. 9255, 24 F.R. 5363, 9706) is hereby amended in two particulars, as follows:

1. The last sentence of subparagraph (2) is amended to read as follows: "In Florida, the ASC Glades County Committee shall make this determination of yields on the basis of the local producing area."

2. Under subparagraph (4) *Local producing areas,* a new subdivision (iv) is added at the end thereof to read as follows:

(iv) *1959 crop.* For purposes of considering eligibility of farms for abandonment and crop deficiency payments on 1959-crop sugarcane, the local ASC parish committees in Louisiana and the ASC Glades County Committee in Florida have determined that the extent of crop damage as specified and provided in subparagraph (1)(iii) of this paragraph has occurred in the following parishes and local producing areas:

Louisiana

Parishes approved in their entirety

Ascension.
Assumption.
Avoyelles.
Iberia.
Iberville.
Lafayette.
Lafourche.
Pointe Coupee.
St. James.
St. John.
St. Martin.
St. Mary.
Terrebonne.
Vermilion.
West Baton Rouge.

Florida

None.

Statement of Bases and Considerations

In considering eligibility of sugarcane farms in Florida for acreage abandonment and crop deficiency payments, consideration must be given to the yields of crops during a stated base period in the local producing area, comprising the entire State. This amendment specifies that such consideration shall be given by the ASC Glades County Committee.

The amendment also provides public notice of the parishes and local producing areas in Louisiana and Florida where due to drought, flood, storm, freeze, disease or insects, the 1959 sugarcane crop has been damaged to the extent that farms located in whole or in part therein will be considered (as to location) for abandonment or deficiency payments. Producers on these farms who have not filed applications for Sugar Act payments with respect to acreage abandonment or crop deficiencies for which they may otherwise be eligible should apply for such payments before June 30, 1961, as provided in 7 CFR 855.5 (22 F.R. 8112).

Accordingly, I hereby find and conclude that the aforestated amendment will effectuate the applicable provisions of the Sugar Act of 1948, as amended.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interprets or applies secs. 301, 302, 61 Stat. 929, 930, as amended; 7 U.S.C. 1131, 1132)

Issued this 28th day of November 1960.

Marvin L. McLain,
Acting Secretary of Agriculture.

[F.R. Doc. 60-11185; Filed, Nov. 30, 1960; 8:51 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 59-WA-359]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Modification; Change of Effective Date

On July 8, 1960, there was published in the Federal Register (25 F.R. 6417) an amendment to § 600.6252 of the regulations of the Administrator. This amendment to be effective January 12, 1961, modified VOR Federal airway No. 252 between Huguenot, N.Y., and Binghamton, New York, concurrently with the commissioning of a VOR near Hancock, N.Y.

The commissioning date of the Hancock VOR has been rescheduled. Therefore, it is necessary to postpone the effective date of the above-mentioned amendment until April 6, 1961.

Since thirty days will elapse from the time of publication of the rule as initially adopted to this new effective date, this change is made in compliance with section 4 of the Administrative Procedure Act.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530), effective immediately, Airspace Docket No. 59-WA-359 is hereby modified as follows: "effective 0001 e.s.t. January 12, 1961." is deleted and "effective 0001 e.s.t. April 6, 1961." is substituted therefor.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on November 25, 1960.

George S. Cassady,
Brig. Gen., U.S. Air Force, Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-11175; Filed, Nov. 30, 1960; 8:50 a.m.]

[Airspace Docket No. 59-WA-354]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Modification; Change of Effective Date

On July 8, 1960, there was published in the Federal Register (25 F.R. 6416) an amendment to § 600.6153 of the regulations of the Administrator. This amendment, to be effective January 12, 1961, modified VOR Federal airway No. 153 between Wilkes-Barre, Pa., and Syracuse, N.Y., concurrently with the commissioning of a VOR near Georgetown, N.Y.

The commissioning date of the Georgetown VOR has been rescheduled. Therefore, it is necessary to postpone the effective date of the above-mentioned amendment until April 6, 1961.

Since thirty days will elapse from the time of publication of the rule as initially adopted to this new effective date, this change is made in compliance with section 4 of the Administrative Procedure Act.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530), effective immediately, Airspace Docket No. 59-WA-354 is hereby modified as follows: "effective 0001 e.s.t January 12, 1961." is deleted and "effective 0001 e.s.t. April 6, 1961." is substituted therefor.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C. on November 25, 1960.

George S. Cassady,
Brig. Gen., U.S. Air Force, Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-11176; Filed Nov. 30, 1960; 8:50 a.m.]

[Airspace Docket No. 59-WA-357]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Modification; Change of Effective Date

On July 8, 1960, there was published in the Federal Register (25 F.R. 6416) an amendment to § 600.6149 of the regulations of the Administrator. This amendment, to be effective January 12, 1961, modified VOR Federal airway No. 149 between Binghamton, N.Y., and Utica, N.Y., concurrently with the commissioning of a VOR near Georgetown, N.Y. Subsequently, a correction to this amendment was published in the Federal Register (25 F.R. 8051) on August 20, 1960.

The commissioning date of the Georgetown VOR has been rescheduled. Therefore, it is necessary to postpone the effective date of the above-mentioned amendment until April 6, 1961.

Since thirty days will elapse from the time of publication of the rule as initially adopted to this new effective date, this change is made in compliance with section 4 of the Administrative Procedure Act.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530), effective immediately, Airspace Docket No. 59-WA-357 is hereby modified as follows: "effective 0001 e.s.t. January 12, 1961." is deleted and "effective 0001 e.s.t. April 6, 1961." is substituted therefor.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on November 25, 1960.

George S. Cassady,
Brig. Gen., U.S. Air Force, Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-11177; Filed, Nov. 30, 1960; 8:50 a.m.]

[Airspace Docket No. 59-WA-75]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Modification; Change of Effective Date

On March 19, 1960, there was published in the Federal Register (25 F.R. 2360) an amendment to § 600.6139 of the regulations of the Administrator. This amendment to be effective January 12, 1961, modified VOR Federal Airway No. 139 from Providence, R.I., to Boston, Mass., concurrently with the commissioning of a VOR near Whitman, Mass.

The commissioning date of the Whitman VOR has been rescheduled. Therefore, it is necessary to postpone the effective date of the above-mentioned amendment until September 21, 1961.

Since thirty days will elapse from the time of publication of the rule as initially adopted to this new effective date, this change is made in compliance with section 4 of the Administrative Procedure Act.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530), effective immediately, Airspace Docket No. 59-WA-75 is hereby modified as follows: "effective 0001 e.s.t. January 12, 1961." is deleted and "effective 0001 e.s.t. September 21, 1961." is substituted therefor.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on November 25, 1960.

George S. Cassady,
Brig. Gen., U.S. Air Force, Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-11180; Filed, Nov. 30, 1960; 8:51 a.m.]

[Airspace Docket No. 59-WA-358]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Modification; Change of Effective Date

On July 8, 1960, there was published in the Federal Register (25 F.R. 6416) an amendment to § 600.6034 of the regulations of the Administrator. This amendment, to be effective January 12, 1961, modified VOR Federal airway No. 34 between Ithaca, N.Y., and Wilton, Conn., concurrently with the commissioning of a VOR near Hancock, N.Y.

The commissioning date of the Hancock VOR has been rescheduled. Therefore, it is necessary to postpone the effective date of the above-mentioned amendment until April 6, 1961.

Since thirty days will elapse from the time of publication of the rule as initially adopted to this new effective date, this change is made in compliance with section 4 of the Administrative Procedure Act.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530), effective immediately, Airspace Docket No. 59-WA-358 is hereby modified as follows: "effective 0001 e.s.t. January 12, 1961." is deleted and "effective 0001 e.s.t. April 6, 1961." is substituted therefor.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on November 25, 1960.

George S. Cassady,
Brig. Gen., U.S. Air Force, Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-11181; Filed, Nov. 30, 1960; 8:51 a.m.]

[Airspace Docket No. 59-WA-353]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Modification; Change of Effective Date

On July 28, 1960, there were published in the Federal Register (25 F.R. 7147) amendments to §§ 600.6002, 600.6014, 600.6031, and 600.6084 of the regulations of the Administrator. These amendments, to be effective January 12, 1961, modified VOR Federal airways Nos. 14, 31, and 84 between Buffalo, N.Y., and Albany, N.Y.; between Elmira, N.Y., and Rochester, N.Y. and between Geneseo, N.Y., and Syracuse, N.Y., respectively, and revoked Victor 2 south alternate between Syracuse and Albany concurrently with the commissioning of a VOR near Georgetown, N.Y.

The commissioning date of the Georgetown VOR has been rescheduled. Therefore, it is necessary to postpone the effective date of the above-mentioned amendments until April 6, 1961.

Since thirty days will elapse from the time of publication of the rule as initially adopted to this new effective date, this change is made in compliance with section 4 of the Administrative Procedure Act.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530), effective immediately, Airspace Docket No. 59–WA–353 is hereby modified as follows: "effective 0001 e.s.t. January 12, 1961." is deleted and "effective 0001 e.s.t. April 6, 1961." is substituted therefor.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on November 25, 1960.

George S. Cassady,
Brig. Gen., U.S. Air Force, Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60–11183; Filed, Nov. 30, 1960; 8:51 a.m.]

[Airspace Docket No. 59–WA–355]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Modification; Change of Effective Date

On July 8, 1960, there were published in the Federal Register (25 F.R. 6418) amendments to §§ 600.6273 and 601.6273 of the regulations of the Administrator. These amendments, to be effective January 12, 1961, modified and extended VOR Federal airway No. 273 and its associated control areas by designating it from the Huguenot, N.Y., VOR via a VOR to be commissioned near Hancock, N.Y., and a VOR to be commissioned near Georgetown, N.Y., to the Syracuse, N.Y., VOR concurrently with the commissioning of these two new VORs.

The commissioning date of the Hancock and Georgetown VORs has been rescheduled. Therefore, it is necessary to postpone the effective date of the abovementioned amendments until April 6, 1961.

Since thirty days will elapse from the time of publication of the rule as initially adopted to this new effective date, this change is made in compliance with section 4 of the Administrative Procedure Act.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530), effective immediately, Airspace Docket No. 59–WA–355 is hereby modified as follows: "effective 0001 e.s.t. January 12, 1961." is deleted and "effective 0001 e.s.t. April 6, 1961." is substituted therefor.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on November 25, 1960.

George S. Cassady,
Brig. Gen., U.S. Air Force, Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60–11178; Filed, Nov. 30, 1960; 8:50 a.m.]

[Airspace Docket No. 59–NY–58]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Modification; Change of Effective Date

On July 8, 1960, there were published in the Federal Register (25 F.R. 6417) amendments to §§ 600.6016, 600.6044, 600.6238, 601.6044, 601.6238 and 601.7001 of the regulations of the Administrator. These amendments, to be effective March 9, 1961, modified the following VOR Federal airways: Victor 16 between Kenton, Del., and Coyle, N.J.; Victor 44 between Price, Md., and Barnegat, N.J.; Victor 238 between Woodstown, N.J., and Pomona, N.J. In addition, the Millville, N.Y., and Barnegat, N.J., VOR's and the Leesburg, N.J., Intersection were designated as Domestic VOR reporting points. These actions were to be effective concurrently with the commissioning of a VOR near Barnegat, N.J.

The commissioning date of the Barnegat VOR has been rescheduled. Therefore, it is necessary to postpone the effective date of the above-mentioned amendments until June 1, 1961.

Since thirty days will elapse from the time of publication of the rule as initially adopted to this new effective date, this change is made in compliance with section 4 of the Administrative Procedure Act.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530), effective immediately, Airspace Docket No. 59–NY–58 is hereby modified as follows: "effective 0001 e.s.t. March 9, 1961." is deleted and "effective 0001 e.s.t. June 1, 1961." is substituted therefor.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on November 25, 1960.

George S. Cassady,
Brig. Gen., U.S. Air Force, Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60–11179; Filed, Nov. 30, 1960; 8:51 a.m.]

[Airspace Docket No. 59–KC–2]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Modification; Change of Effective Date

On February 2, 1960, there were published in the Federal Register (25 F.R. 857) amendments to §§ 600.6300 and 601.6300 of the regulations of the Administrator. These amendments, originally scheduled to be effective June 30, 1960, extended VOR Federal airway No. 300 and its associated control areas from Sault Ste. Marie, Mich., to Lakehead, Ont., concurrently with the commissioning of a VOR near Whitefish, Mich. The commissioning date of the Whitefish VOR was subsequently rescheduled to January 12, 1961 and Victor 300 was extended from Sherbrooke, Que., to Millinocket, Me. These changes were published in the Federal Register on June 7, 1960 (25 F.R. 4985).

The commissioning date of the Whitefish VOR has again been rescheduled. Therefore, it is necessary to postpone the effective date of the above-mentioned amendments until March 9, 1961.

Since thirty days will elapse from the time of publication of the rule as initially adopted to this new effective date, this change is made in compliance with section 4 of the Administrative Procedure Act.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530), effective immediately, Airspace Docket No. 59–KC–2 is hereby modified as follows: "effective 0001 e.s.t. January 12, 1961." is deleted and "effective 0001 e.s.t. March 9, 1961." is substituted therefor.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on November 25, 1960.

George S. Cassady,
Brig. Gen., U.S. Air Force, Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60–11182; Filed, Nov. 30, 1960; 8:51 a.m.]

[Airspace Docket No. 60–WA–131]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Modification of Control Area Extension

On August 20, 1960, a notice of proposed rule making was published in the Federal Register (25 F.R. 8055) stating that the Federal Aviation Agency was considering an amendment to § 601.1070 of the regulations of the Administrator which would enlarge the Charlottesville, Va., control area extension.

As stated in the notice, the Charlottesville control area extension is designated as the airspace bounded on the northwest by VOR Federal airway No. 140, on the northeast by VOR Federal airway No. 156, and on the south by VOR Federal airway No. 16. The Federal Aviation Agency is enlarging this extension to include the airspace northeast of the Charlottesville-Albemarle Airport bounded on the northwest by VOR Federal airway No. 140, on the east by VOR Federal airway No. 39, and on the southwest by VOR Federal airway No. 156. This modification would provide protection to aircraft, operating under IFR conditions, arriving and departing the Charlottesville-Albemarle Airport.

The Aircraft Owners and Pilots Association submitted an objection to the establishment of a control area extension at Charlottesville for the stated purpose to "provide protection to aircraft operating under IFR conditions when arriving and departing the Charlottesville-Albemarle Airport". The AOPA stated that it found no approved instrument approach for this airfield and no indication that weather service or communication facilities are available.

Piedmont Airlines is authorized to conduct instrument operations into and out of the Charlottesville-Albermarle Airport. Although communications and weather reporting facilities are not prerequisites for the establishment of control area extensions, communication capabilities do exist and weather reporting is available by airline personnel. Therefore, the AOPA objections are not considered valid.

No other adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the notice, § 601.1070 (14 CFR 601.1070) is amended to read:

§ 601.1070 Control area extension (Charlottesville, Va.).

The airspace bounded on the NW by VOR Federal airway No. 140, on the E by VOR Federal airway No. 39, and on the S by VOR Federal airway No. 16 N alternate.

This amendment shall become effective 0001 e.s.t. February 9, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on November 25, 1960.

George S. Cassady,
Brig. Gen., U.S. Air Force, Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-11174; Filed, Nov. 30, 1960; 8:50 a.m.]

[Airspace Docket No. 60-WA-193]

PART 602 — ESTABLISHMENT OF CODED JET ROUTES AND NAVIGATIONAL AIDS IN THE CONTINENTAL CONTROL AREA

Modification and Revocation of Coded Jet Routes

On September 2, 1960, a notice of proposed rule making was published in the Federal Register (25 F.R. 8493) stating that the Federal Aviation Agency proposed to modify VOR/VORTAC jet routes J-22-V, J-29-V and J-25-V and revoke the segment of J-23-V between Brownsville, Tex., and San Antonio, Tex.

Subsequent to publication of the notice it has been determined that a minor correction in the alignment of these routes is necessary so that the routes will intersect at a common point near Alice, Texas. Therefore, the following changes are incorporated herein, as follows:

1. J-22-V, the Laredo, Tex., radial is changed from 084° True to 086° True.
2. J-29-V, the Brownsville, Tex., radial is changed from 338° True to 337° True.
3. J-25-V, the Brownsville radial is changed from 338° True to 337° True.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated herein and in the notice, the following actions are taken:

1. In the text of § 602.522 (14 CFR 602.522) "From the Laredo, Tex., VOR via the Alice, Tex., VOR; Palacios, Tex., VOR;" is deleted and "From the Laredo, Tex., VORTAC via the INT of the Laredo VORTAC 086° True and the Palacios VOR 234° True radials; Palacios, Tex., VOR;" is substituted therefor.

2. Section 602.529 (14 CFR 602.529) is amended as follows:

(a) In the caption "*(Alice, Tex., to Presque Isle, Maine)*" is deleted and "*(Brownsville, Tex., to Presque Isle, Maine)*" is substituted therefor.

(b) In the text "From the Alice, Tex., VOR via the Palacios, Tex., VOR;" is deleted and "From the Brownsville, Tex., VORTAC via the INT of the Brownsville VORTAC 337° True and the Palacios VOR 234° True radials; Palacios, Tex., VOR;" is substituted therefor.

3. Section 602.525 (25 F.R. 7098) is amended as follows:

(a) In the caption "*(San Antonio, Tex., to Minneapolis, Minn.)*" is deleted and "*(Brownsville, Tex., to Minneapolis, Minn.)*" is substituted therefor.

(b) In the text "From the San Antonio, Tex., VORTAC via the Austin, Tex., VORTAC;" is deleted and "From the Brownsville, Tex., VORTAC via the INT of the Brownsville VORTAC 337° True and the San Antonio VORTAC 172° True radials; San Antonio, Tex., VORTAC; Austin, Tex., VORTAC;" is substituted therefor.

4. Section 602.523 (14 CFR 602.523, 25 F.R. 1094) is amended as follows:

(a) In the caption "*(Brownsville, Tex., to Cheyenne, Wyo.)*" is deleted and "*(San Antonio, Tex., to Cheyenne, Wyo.)*" is substituted therefor.

(b) In the text "From the Brownsville, Tex., VOR via the Alice, Tex., VOR; San Antonio, Tex., VOR;" is deleted and "From the San Antonio, Tex., VORTAC via the" is substituted therefor.

These amendments shall become effective 0001 e.s.t. January 12, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on November 25, 1960.

George S. Cassady,
Brig. Gen., U.S. Air Force, Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-11173; Filed, Nov. 30, 1960; 8:50 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 8—COLOR ADDITIVES

FD&C Red No. 1

Correction

In F.R. Doc. 60-11062, appearing at page 11214 of the issue for Saturday, November 26, 1960, the word "thereby" in the last paragraph of item No. 1 should read "hereby".

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Tolerances for Residues of DDT In or On Sweet Corn and Statement of Policy and Interpretation Regarding Residues In or On Corn Forage, Corn Fodder, Corn Silage, Corn Stover, or Sweet Corn Cannery Waste

A proposal was published in the Federal Register of April 18, 1958 (23 F.R. 2574) to change the tolerance for DDT on sweet corn from 7 parts per million, based on the whole ear as marketed, to 3½ parts per million in or on sweet corn (kernels plus cob with husks removed). This change was based on a showing that in some sweet-corn growing areas only early season application of DDT is required to control corn-borer infestation. In other areas many additional applications are required later in the growing season to control ear worm infestations. High residues result on the husks and forage from sweet corn from late-season application of DDT, but in all cases residues of DDT on the kernels plus cob should be within 3.5 parts per million.

No objection was received following the publication of the proposal concerning the change in the tolerances for DDT on the fresh vegetable sweet corn to 3½ parts per million, with the specification that residues would be determined on kernels plus cob after removing any husk present on the corn as marketed.

It was also proposed that a tolerance of zero be established for residues of DDT in or on husks and forage from sweet corn. Objections were received to the proposed zero tolerance on sweet corn husks and forage. In these objections it was pointed out that sweet corn cannery waste bearing low residues of DDT from only early season applications was suitable for feed for meat animals.

The National Canners Association in their objections proposed a tolerance of 5 parts per million for DDT in or on sweet corn cannery husks and cob ensilage to be used for feed for meat animals up to 60 days prior to slaughter. They stated that if such restrictions were observed the tolerance of 7 parts per million for DDT in the fat of meat of cattle, hogs, and sheep would not be exceeded at the time of slaughter. The association submitted data in support of these statements and included data intended to show that DDT residues on sweet corn cannery waste from sweet corn receiving only early season DDT application will be unlikely to exceed 5 parts per million.

Review of the data submitted by the National Canners Association and other available data indicates that much sweet corn cannery waste and other sweet corn forage bearing DDT residues not exceeding 5 parts per million are available. However, the data also show that husks and forage from sweet corn that received more than two early applications for first generation corn borer control will usually exceed 5 parts per million.

It is generally recognized that forage from DDT-treated sweet corn cannot be fed to dairy animals under any circumstances without transmission of DDT from feed to the milk. A statement regarding the limitations on the use of corn forage and sweet corn cannery waste from corn treated with DDT for livestock feed is being concurrently published in this order under § 120.147a.

The Commissioner of Food and Drugs, on the basis of the facts outlined above and other available data, has concluded that a change in the tolerance for DDT in or on the fresh vegetable sweet corn should be made as proposed, but that no tolerance should be established for DDT in sweet corn husks, forage, or sweet corn cannery waste. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (b), (e), 68 Stat. 511, 514; 21 U.S.C. 346a (b), (e)) and under the authority delegated to him by the Secretary of Health, Education, and Welfare: *It is ordered*, That the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR 1958 Supp., 120.101, 120.147) be amended as set forth below:

§ 120.1 [Amendment]

1. In § 120.101 *Specific tolerances for pesticide residues in or on fresh fruits and vegetables, paragraph* (e)(43) is amended by deleting the line "DDT______ 7 p.p.m."

2. Section 120.147 is changed to read as follows:

§ 120.147 Tolerances for residues of DDT.

Tolerances for residues of DDT (a mixture of 1,1,1-trichloro-2,2-bis(*p*-chlorophenyl) ethane and 1,1,1-trichloro-2-(*o*-chlorophenyl)-2-(*p*-chlorophenyl) ethane) are established in or on raw agricultural commodities, as follows:

(a) 7 parts per million in the fat of meat from cattle, hogs, and sheep and in or on sweetpotatoes (from postharvest use).

(b) 3.5 parts per million in or on the fresh vegetable sweet corn (determined on kernels plus cob after removing any husk present when marketed).

3. Part 120 is amended by adding thereto the following new section:

§ 120.147a DDT residues in corn forage, corn fodder, corn silage, corn stover, and sweet corn cannery waste; statement of policy and interpretation.

(a) Section 121.101(b)(43) of this chapter, promulgated on March 11, 1955, permitted a tolerance of 7 parts per million for residues of DDT in or on the fresh vegetable sweet corn. Because of a showing of the unsuitability of the tolerance level based on sweet corn as marketed, § 120.147(b) of this chapter now provides a tolerance of 3.5 parts per million of DDT in or on the fresh vegetable sweet corn (determined on kernels plus cob after removing any husk present when marketed). Residue studies have indicated that the application of DDT in any manner to the feed of dairy cows or to the dairy cows themselves results in residues of DDT in milk. No tolerance has been established to permit any residues of DDT in milk. Corn forage, corn fodder, corn silage, corn stover, or sweet corn cannery waste containing any amount of DDT is unsuitable as a feed for dairy cows and should not be represented, sold, or used for that purpose.

(b) A tolerance of 7 parts per million for residues of DDT in the fat of meat from cattle, hogs, and sheep has been established in § 120.147(a). Animals that consume corn forage, corn fodder, corn silage, corn stover, or sweet corn cannery waste containing DDT may accumulate considerably more of the chemical in their fat than is present in the feed itself, and a long time may be required on a diet free of DDT to reduce excessive levels of DDT to the tolerance level. Unless the person who raises meat animals is in a position to determine the magnitude of DDT residues in these corn feed products and to insure that the conditions of feeding are such that the residues in meat from such animals will be within the established tolerance, these products from DDT-treated corn should not be used in the feeding of meat animals.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective for interstate shipments made from corn harvested after January 1, 1961.

(Sec. 408 (b), (e), 68 Stat. 511, 514; 21 U.S.C. 346a (b), (e))

Dated: November 23, 1960.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 60-11167; Filed, Nov. 30, 1960; 8:49 a.m.]

SUBCHAPTER C—DRUGS

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

Tetracycline Magnesium Syrup

Correction

In F.R. Doc. 60-10990, appearing at page 11215 of the issue for Saturday, November 26, 1960,: In § 146c.217(a), the word "sulfanomaides" in the first sentence should read "sulfonamides", and the citation "§ 146.220" in the fifth sentence should read "§ 146c.220".

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. 108.451]

PART 46—CONTROL OF ALIENS DEPARTING FROM THE UNITED STATES

Aliens Whose Departure is Deemed Prejudicial to Interests of the United States

Part 46, Chapter I, Title 22 of the Code of Federal Regulations is hereby amended in the following respects:

Section 46.3 is amended by the addition of the following paragraphs (k) and (l):

§ 46.3 Aliens whose departure is deemed prejudicial to the interests of the United States.

* * * * *

(k) Any alien lawfully admitted for permanent residence who seeks to depart from the United States for travel to, in, or through Albania, Communist-controlled China ("Chinese People's Republic"), North Korea ("Democratic People's

Republic of Korea") or North Viet-Nam ("Democratic Republic of Viet-Nam").

(l) Any alien lawfully admitted for permanent residence who seeks to depart from the United States for travel to, in, or through Bulgaria, Czechoslovakia, Estonia, Hungary, Latvia, Lithuania, Poland, Rumania, the Soviet Zone of Germany ("German Democratic Republic"), the Union of Soviet Socialist Republics, or Yugoslavia, unless such alien shall possess a valid, unexpired reentry permit issued by the Attorney General pursuant to section 223 of the Immigration and Nationality Act subsequent to the effective date of this paragraph.

Effective date. The regulations contained in this order shall become effective upon publication in the FEDERAL REGISTER.

The provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) relative to notice of proposed rule making are inapplicable to this order because the regulations contained therein involve foreign affairs functions of the United States.

Dated: November 22, 1960.

CHRISTIAN A. HERTER,
Secretary of State.

Concurred in: November 25, 1960.

WILLIAM P. ROGERS,
Attorney General.

[F.R. Doc. 60-11215; Filed, Nov. 30, 1960; 8:53 a.m.]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 211—DOCUMENTARY REQUIREMENTS: IMMIGRANTS; WAIVERS

Returning Residents

The following amendment to Chapter I of Title 8 of the Code of Federal Regulations is hereby prescribed:

Section 211.1 *Visas* is amended by adding the following sentence at the end thereof: "Form I-151 alien registration receipt card shall be invalid under this section when presented by an alien who during his temporary absence abroad travelled to, in, or through Bulgaria, Czechoslovakia, Estonia, Hungary, Latvia, Lithuania, Poland, Rumania, the Soviet Zone of Germany ('German Democratic Republic'), the Union of Soviet Socialist Republics, or Yugoslavia."

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall become effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) as to notice of proposed rule making and delayed effective date is contrary to the public interest in this instance because the amendment prescribed by the order affects the internal security of the United States.

Dated: November 17, 1960.

J. M. SWING,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 60-11214; Filed, Nov. 30, 1960; 8:53 a.m.]

Title 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

[Order 214-60]

PART 21—WITNESS FEES

Fees and Allowances of Witnesses in Alaska

Pursuant to the authority vested in me by section 30 of the act of June 6, 1900, 31 Stat. 332 (48 U.S.C. 25), and section 23(c) of the Alaska Omnibus Act (73 Stat. 147), I hereby amend § 21.3, Chapter I, Title 28 of the Code of Federal Regulations to read as follows:

§ 21.3 Fees and allowances of witnesses in the District of Alaska.

The fees and allowances of witnesses in the District of Alaska shall be as follows:

(a) For attendance at the District Court or before any officer pursuant to law, including a commissioner acting in any capacity authorized by law, and for the time necessarily occupied in traveling from their place of residence to the place of trial or hearing and in returning therefrom, witnesses shall be entitled to $4 a day.

(b) In addition to the fee fixed by paragraph (a) of this section, witnesses (other than salaried employees of the Government and detained witnesses) who attend court or attend before a commissioner at points so far removed from their place of residence that they are unable to return thereto each day shall be entitled to a subsistence allowance of $15 a day for each day of such attendance and for each day necessarily occupied in traveling to the place of such attendance and in returning to their place of residence.

(c) Witnesses shall be entitled to travel expenses on the basis of the means of travel actually employed and the distance actually and necessarily traveled, and in accordance with the following:

(1) If the travel is by common carrier, witnesses shall be entitled to the cost of the cheapest available first-class accommodations for travel in Alaska and outside Alaska in proceeding to or from Alaska. Receipts or other evidence of actual payment shall be furnished whenever practicable.

(2) If the travel is by privately-owned automobile or other private carrier, witnesses shall be entitled to twelve cents a mile for travel in Alaska; provided that whenever the use of a private airplane, dog-team, or boat is approved by the court, a commissioner, the United States Attorney, or an Assistant United States Attorney, witnesses may be paid the actual rental cost or reasonable estimate of necessary expense.

(3) If the travel is by privately-owned automobile or other private carrier, witnesses shall be entitled to eight cents a mile for travel outside Alaska in proceeding to or from Alaska: *Provided,* That the total entitlement, including attendance fees and subsistence allowances, shall not exceed that which would have been payable had the cheapest first-class accommodations via common carrier been used.

(4) In addition to the allowances to which they are entitled under subparagraphs (1), (2), and (3) of this paragraph, witnesses shall be entitled to incidental travel expenses, such as taxicab fares between the place of lodging and the carrier terminal, and bridge, road, and tunnel tolls, and ferry fares.

(d) Witnesses detained in prison for want of security for their appearance shall not be entitled to attendance fees and subsistence allowances as prescribed in paragraphs (a) and (b) of this section, but shall be entitled to one dollar a day, in addition to the actual subsistence furnished by the Government, while thus detained.

(e) Officers and employees of the United States summoned as witnesses for the Government in matters before the District Court of Alaska or commissioners shall be entitled to expenses and subsistence allowances as provided by § 21.1.

(f) Payment of witness fees, subsistence allowances, and travel expenses by the United States under this section shall be made upon the basis of a certificate signed by the United States Attorney, an Assistant United States Attorney, the attorney in charge of the case, or a commissioner. With respect to any witness who is allowed subsistence, the certificate shall state that the witness attended court, or attended before a commissioner, as the case may be, at a point so far removed from his place of residence that he was unable to return thereto each day.

(Sec. 30, 31 Stat. 332; 48 U.S.C. 25, sec. 23(c), 73 Stat. 147)

Order No. 132-56 of September 27, 1956, amending § 21.3, Chapter I, Title 28, of the Code of Federal Regulations, is hereby superseded.

This order shall become effective on December 1, 1960. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) as to notice of proposed rule making and delayed effective date is impractical and unnecessary in this instance for the reason that the amendments made by the order are, so far as material, clearly advantageous to the persons affected thereby.

Dated: November 26, 1960.

WILLIAM P. ROGERS,
Attorney General.

[F.R. Doc. 60-11186; Filed, Nov. 30, 1960; 8:51 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER A—AID TO CIVIL AUTHORITIES AND PUBLIC RELATIONS

PART 805—SAFEGUARDING MILITARY INFORMATION

In Part 805, §§ 805.1 to 805.8 supersede §§ 805.1 to 805.17 (32 CFR 805.1).

Sec.
805.1 Visitors.
805.2 Definitions.
805.3 Requests for permission to visit.
805.4 Visits to Air Force installations.
805.5 Control of visitors.
805.6 Controlled areas.
805.7 Protection of property or places.
805.8 Procedure in case of violations.

AUTHORITY: §§ 805.1 to 805.8 issued under sec. 8012, 70A Stat. 488, 10 U.S.C. 8012.

SOURCE: AFR 205-1, June 10, 1960.

§ 805.1 Visitors.

Sections 805.1 to 805.8 tell who is a "visitor" and who may admit visitors at Air Force installations.

§ 805.2 Definitions.

(a) *Visits at Air Force activities.* For the purpose of §§ 805.1 to 805.5, a visitor is any person admitted to any Air Force installation, except those who are directly and officially concerned with its activities. Persons traveling under official orders requiring performance of duty at an installation, and those on duty or employed at the installation are not visitors for the purpose of §§ 805.1 to 805.5.

§ 805.3 Requests for permission to visit.

Requests to visit an installation should be referred to the installation commander for approval or disapproval. All requests for permission to visit Air Force installations or activities which will involve access to classified information will:

(a) Be in writing, and be made early enough to permit appropriate action by the commander.

(b) Include the following information, as applicable:

(1) Name in full, grade, title, position.

(2) Nationality of visitor (immigrant aliens will furnish alien registration number), date and place of birth.

(3) Current residence or military assignment.

(4) Employer or sponsor.

(5) Name and location of installation or activity to be visited.

(6) Date, time, and duration of visit.

(7) Purpose of visit, in detail.

(8) Security clearance status of visitor and name of clearing agency (if clearance has previously been granted).

§ 805.4 Visits to Air Force installations.

(a) *Visits involving access to classified information*—(1) *Approval.* Individuals may be permitted to visit Air Force installations or activities to receive or to have access to classified information only if its disclosure or dissemination is properly approved.

(b) *Visits not involving access to classified information.* United States citizens and foreign nationals who will not have access to classified information may be admitted to an Air Force installation by authority of the commander.

§ 805.5 Control of visitors.

(a) *Responsibility.* The commander is the local representative of the Department of the Air Force regarding the admission of visitors to his installation.

(b) *Restrictions on movements of visitors.* To protect classified information, the commander must restrict the movement of visitors entering his installation. Visitors authorized to have access to classified matter will be accompanied by the commander, or his representative who has been informed of the restrictions placed upon the visitor.

(c) *Limitation concerning documents.* Authority to permit visits does not constitute authority to release documents to visitors.

§ 805.6 Controlled areas.

The areas referred to in §§ 805.6 to 805.8 are established under authority of law. Their primary purpose, from a security standpoint, is to control the passage of persons not subject to military law.

§ 805.7 Protection of property or places.

(a) *Designation of controlled areas*—(1) *Restricted areas.* The commander of an Air Force installation will designate as a "restricted area" an area under his jurisdiction, which he considers necessary to protect, by the promulgation of regulations pursuant to section 21 of the Internal Security Act of 1950. If local conditions dictate, he will mark all ordinary entrances or approaches to such areas with a sign reading as follows:

> WARNING
>
> RESTRICTED AREA
>
> It is unlawful to enter within this (area, building, etc.) without written permission of (authority).

(2) *Reserved areas.* Areas reserved for military or national defense purposes, admittance to which is either restricted or prohibited, are set apart by Executive Order of the President of the United States, or by order of the Secretary of the Interior.

(3) *Air space reservations.* An "air space reservation" is the air space above an area on the land or water, designated and set apart by Executive Order of the President of the United States, or by a State, Commonwealth or Territory, over which the flight of aircraft is prohibited or restricted for the purpose of national defense, or for other governmental purposes. The commander of an installation over which an air space reservation has been established is responsible for its surveillance. He must make prompt report of any illegal flights in the air space to the Chief of Staff, USAF, through channels.

§ 805.8 Procedure in case of violations.

Persons not subject to military law who violate the regulations issued by the commander will be delivered to the appropriate civil authority, subject to the following provisions:

(a) The installation commander will cause any such person to be detained, warned of his rights, and interrogated as soon as possible by proper authority. If there is no evidence of intent to violate the regulations, the person may be warned against repetition and released. Otherwise, the commander will promptly notify the nearest office of the Office of Special Investigations by the fastest means available. That office will immediately request the nearest office of the Federal Bureau of Investigation to take custody of the individual at the installation. The commander will furnish the representative of the Federal Bureau of Investigation with a written statement of the facts, the names and addresses of the witnesses, and pertinent exhibits.

(b) When an investigation reveals that such a person has entered a closed area or building, and was not apprehended, the commander will promptly notify the nearest district office of the Office of Special Investigations of all the facts, including the names and addresses of the witnesses. The district office will immediately notify the nearest office of the Federal Bureau of Investigation.

R. J. PUGH,
Colonel, U.S. Air Force, Deputy Director of Administrative Services.

[F.R. Doc. 60-11139; Filed, Nov. 30, 1960; 8:45 a.m.]

Chapter XVI—Selective Service System

[Amdt. 87]

PART 1619—CANCELLATION OF REGISTRATION

Cancellation by Local Board

The Selective Service Regulations are hereby amended as follows:

§ 1619.1 [Revocation]

1. § 1619.1 is revoked.

2. § 1619.2 is amended to read as follows:

§ 1619.2 Cancellation of registration by local board.

(a) Except as otherwise provided in this section, a local board may cancel the registration of a person who is not required by the selective service law to be registered. In determining whether the registration of any person should be canceled, the local board shall apply the pertinent provisions of Part 1611 of this chapter. Ordinarily, the issues involved will be whether the registrant is within an age group required to be registered or whether he is a person who is exempt from registration under the selective service law.

(b) Section 1611.2 of this chapter provides that certain persons are not required to be registered so long as they have a certain status. If such a person has improperly registered at a time when he was exempt from registration, and there has been no subsequent change in his status which would render him liable for registration, the local board may cancel his registration. However, if a person has registered at a time when he was required by the selective service law to present himself for and submit to registration and thereafter has acquired a status within one of the groups of persons exempt from registration, the local board shall not cancel his registration unless authorized to do so by the Director of Selective Service.

(c) If a person not required to register because of his being under 18 years of age has registered, the local board may cancel his registration at any time before he becomes 18 years of age except that the local board shall not cancel the registration of any registrant who is 17 years of age and has volunteered for induction with the written consent of his parents or guardian. If such a registrant has been inducted into and remains in the Armed Forces as the result of his premature registration, the local board shall not cancel his registration while he remains in the Armed Forces.

(d) In cancelling the registration of a registrant under this section, the local board shall (1) write across the face of his Registration Card (SSS Form No. 1) "Canceled—Sec. 1619.2 SS Reg. Date __________"; (2) take up and cancel the Registration Certificate (SSS Form No. 2) if issued and available; (3) report the cancellation on Local Board Actions and Minutes (SSS Form No. 112) and on Local Board Action Report (SSS Form No. 112-A); and (4) retain the entire file of the registrant.

(Sec. 10, 62 Stat. 618, as amended; 50 U.S.C. App. 460; E.O. 9979, July 20, 1948, 13 F.R. 4177; 3 CFR, 1943-1948 Comp.)

The foregoing amendments to the Selective Service Regulations shall become effective upon filing with the Office of the Federal Register.

[SEAL] LEWIS B. HERSHEY,
Director of Selective Service.

NOVEMBER 25, 1960.

[F.R. Doc. 11160; Filed, Nov. 30, 1960; 8:48 a.m.]

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

PART 1—AVAILABILITY OF RECORDS AND INFORMATION

Limitation on Release of Records

Notice of proposed rule making having been published and no public comments having been received, the proposed amendments to the regulations, governing the use of official records and limiting their release from the custody of the Service, published with said notice of proposed rule making on April 6, 1960 in 25 F.R. 2905 are adopted as herein set forth.

Effective date. These amendments shall be effective 90 days after the date of publication.

1. Sections 1.108, 1.106 and 1.107 are renumbered §§ 1.106, 1.107 and 1.108, respectively.

2. Section 1.107 as so renumbered (formerly § 1.106) is amended by designating the present text of that section as paragraph (a) and by adding additional material. This section as amended reads as follows:

§ 1.107 Limitations on release of records.

(a) Records of the Service containing information described or referred to in § 1.102 or § 1.103 shall not be released to or deposited with anyone not an authorized officer or employee of the Service except: (1) As may be temporarily necessary for purposes of examination or copying; (2) for purposes of storage at General Services Administration Federal Records Centers under conditions assuring the continuation of the limitations on disclosure set forth in this part: *Provided,* That release or disclosure of records so stored shall be made by the Federal Records Centers only to authorized officers or employees of the Public Health Service.

(b) Where official records of the Service other than X-rays are produced in accordance with subpoena or other compulsory process, their release to or deposit with anyone not an officer or employee of the Service is prohibited except as may be temporarily necessary for the purpose of examination during sessions of the court, body, agency, or other authority before which such records are produced or unless release or deposit is otherwise authorized by the Surgeon General.

(c) When the production of official records of the Service in response to a subpoena or other compulsory process is authorized by § 1.106, arrangements shall be made for the procurement of certified copies if so requested by a party litigant. Except when the United States is the requesting party, such copies shall be made at the expense of the requesting party. The records may be released for copying for this purpose in accordance with paragraph (a) of this section.

(d) The Chief, Medical Records Library Service at any hospital or station, or any other officer or employee of the Service designated as local custodian of the records by the Medical Officer in Charge of a hospital or station is authorized to certify copies of records. No fee shall be charged for such certification.

(Sec. 215, 58 Stat. 690, as amended; 42 U.S.C. 216. Interpret or apply 65 Stat. 290; 5 U.S.C. 140)

Dated: November 18, 1960.

[SEAL] JOHN D. PORTERFIELD,
Acting Surgeon General.

Approved: November 25, 1960.

ARTHUR S. FLEMMING,
Secretary.

[F.R. Doc. 60-11153; Filed, Nov. 30, 1960; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1954) Part 1]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

"Dollar Value" LIFO Method

Amendment of the income tax regulations under section 472 of the Internal Revenue Code of 1954 to prescribe rules under the so-called "dollar-value" LIFO method.

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D.C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such a case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] DANA LATHAM,
Commissioner of Internal Revenue.

In order to prescribe rules under the so-called "dollar-value" LIFO method, such regulations are amended as follows:

PARAGRAPH 1. Paragraph (l) of § 1.472-1 is amended to read as follows:

§ 1.472-1 Last-in, first-out inventories.

* * * * *

(l) If a taxpayer uses consistently the so-called "dollar-value" method of pricing inventories, or any other method of computation established to the satisfaction of the Commissioner as reasonably adaptable to the purpose and intent of section 472 and this section, and if such taxpayer elects under section 472 to use the LIFO inventory method authorized by such section, the taxpayer's opening and closing inventories shall be determined under section 472 by the use of the appropriate adaptation. See § 1.472-8 for rules relating to the use of the dollar-value method.

PAR. 2. The introductory paragraph of § 1.472-2 is amended to read as follows:

§ 1.472-2 Requirements incident to adoption and use of LIFO inventory method.

Except as otherwise provided in § 1.472-1 with respect to raw material computations, with respect to retail inventory computations, and with respect to other methods of computation established to the satisfaction of the Commissioner as reasonably adapted to the purpose and intent of section 472, and in § 1.472-8 with respect to the "dollar-value" method, the adoption and use of the LIFO inventory method is subject to the following requirements:

PAR. 3. The following new § 1.472-8 is inserted immediately after § 1.472-7.

§ 1.472-8 Dollar-value method of pricing LIFO inventories.

(a) *Election to use dollar-value method.* Any taxpayer may elect to determine the cost of his LIFO inventories under the so-called "dollar-value" LIFO method, provided such method is used consistently and clearly reflects the income of the taxpayer in accordance with the rules of this section. The dollar-value method of valuing LIFO inventories is a method of determining cost by using "base-year" cost expressed in terms of total dollars rather than the quantity and price of specific goods as the unit of measurement. Under such method the goods contained in the inventory are grouped into a pool or pools as described in paragraphs (b) and (c) of this section. The term "base-year cost" is the aggregate of the cost (determined as of the beginning of the taxable year for which the LIFO method is first adopted, i.e., the base date) of all items in a pool. The taxable year for which the LIFO method is first adopted with respect to any item in the pool is the "base year" for that pool, except as provided in paragraph (g) (3) of this section. Liquidations and increments of items contained in the pool shall be reflected only in terms of a net liquidation or increment for the pool as a whole. Fluctuations may occur in quantities of various items within the pool, new items which properly fall within the pool may be added, and old items may disappear from the pool, all without necessarily effecting a change in the dollar value of the pool as a whole. An increment in the LIFO inventory occurs when the end of the year inventory for any pool expressed in terms of base-year cost is in excess of the beginning of the year inventory for that pool expressed in terms of base-year cost. In determining the inventory value for a pool, the increment, if any, is adjusted for changing unit costs or values by reference to a percentage, relative to base-year cost, determined for the pool as a whole. See paragraph (e) of this section. See also paragraph (f) of this section for rules relating to the change to the dollar-value LIFO method from another LIFO method.

(b) *Principles for establishing pools of manufacturers and processors*—(1) *Natural business unit pools.* A pool shall ordinarily consist of all items entering into the entire inventory investment for each natural business unit of a business enterprise, unless the taxpayer has adopted the LIFO inventory method as to raw materials content in accordance with § 1.472-1 or unless the taxpayer elects to use the multiple pooling method provided in subparagraph (3) of this paragraph. Thus, if a business enterprise is composed of only one natural business unit, one pool should be used for all of its LIFO inventories, including raw materials, goods in process, and finished goods. If, however, a business enterprise is actually composed of more than one natural business unit, more than one pool is required.

(2) *Definition of natural business unit.* (i) Whether an enterprise is composed of more than one natural business unit is a matter of fact to be determined from all the circumstances. The natural business divisions adopted by the taxpayer for internal management purposes, the existence of separate and distinct production facilities and processes, and the maintenance of separate profit and loss records with respect to separate operations are important considerations in determining what is a business unit, unless such divisions, facilities, or accounting records are set up merely because of differences in geographical location. In the case of a manufacturer or processor, a natural business unit ordinarily consists of the entire productive activity of the enterprise within one product line or within two or more related product lines including (to the extent engaged in by the enterprise) the obtaining of materials, the processing of materials, and the selling of manufactured or processed goods. Thus, in the case of a manufacturer or processor, the maintenance and operation of a raw material warehouse does not generally constitute, of itself, a natural business unit. If the taxpayer maintains and operates a supplier unit the production of which is both sold to others and transferred to a different unit of the taxpayer to be used as a component part of another product, the supplier unit will ordinarily constitute a separate and distinct natural business unit. Ordinarily, a processing plant would not in itself be considered a natural business unit if the production of the plant, although saleable at this stage, is not sold to others, but is transferred to another plant of the enterprise, not operated as a separate division, for further processing or incorporation into another product. On the other hand, if the production of a manufacturing or processing

plant is transferred to a separate and distinct division of the taxpayer, which constitutes a natural business unit, the supplier unit itself will ordinarily be considered a natural business unit. However, the mere fact that a portion of the production of a manufacturing or processing plant may be sold to others at a certain stage of processing with the remainder of the production being further processed or incorporated into another product will not of itself be determinative that the activities devoted to the production of the portion sold constitute a separate business unit. Where a manufacturer or processor is also engaged in the wholesaling or retailing of goods purchased from others, the pooling of such purchased goods for the wholesaling or retailing operations shall be determined in accordance with the rules of paragraph (c) of this section.

(ii) The rules of this subparagraph may be illustrated by the following examples:

Example (1). A corporation manufactures, in one division, automatic clothes washers and driers of both commercial and domestic grade as well as electric ranges, mangles, and dishwashers. The corporation manufactures, in another division, radios and television sets. The manufacturing facilities and processes used in manufacturing the radios and television sets are distinct from those used in manufacturing the automatic clothes washers, etc. Under these circumstances, the enterprise would consist of two business units and two pools would be appropriate, one consisting of all of the LIFO inventories entering into the manufacture of clothes washers and driers, electric ranges, mangles, and dishwashers and the other consisting of all of the LIFO inventories entering into the production of radio and television sets.

Example (2). A taxpayer produces plastics in one of its plants. Substantial amounts of the production are sold as plastics. The remainder of the production is shipped to a second plant of the taxpayer for the production of plastic toys which are sold to customers. The taxpayer operates his plastics plant and toy plant as separate divisions. Because of the different product lines and the separate divisions the taxpayer has two natural business units.

Example (3). A taxpayer is engaged in the manufacture of paper. At one stage of processing, uncoated paper is produced. Substantial amounts of uncoated paper are sold at this stage of processing. The remainder of the uncoated paper is transferred to the taxpayer's finishing mill where coated paper is produced and sold. This taxpayer has only one natural business unit since coated and uncoated paper are within the same product line.

(3) *Multiple pools*—(i) *Principles for establishing multiple pools*. (*a*) A taxpayer may elect to establish more than one pool within a natural business unit unless he pools on a natural business unit method as provided in subparagraph (1) of this paragraph. Each such pool shall ordinarily consists of a group of inventory items which are substantially similar. In determining whether such similarity exists, consideration shall be given to all the facts and circumstances. The formulation of detailed rules for selection of pools applicable to all taxpayers is not feasible. Important considerations to be taken into account include, for example, whether there is substantial similarity in the types of raw materials used or in the processing operations applied; whether the raw materials used are readily interchangeable; whether there is similarity in the use of the products; whether the groupings are consistently followed for purposes of internal accounting and management; and whether the groupings follow customary business practice in the taxpayer's industry. The selection of pools in each case must also take into consideration such factors as the nature of the inventory items subject to the dollar-value LIFO method and the significance of such items to the taxpayer's business operations.

(*b*) Raw materials which are substantially similar shall be pooled together in accordance with the principles of this subparagraph. However, inventories of raw or unprocessed materials of an unlike nature may not be placed into one pool, even though such materials become part of otherwise identical finished products.

(*c*) Finished goods and goods-in-process in the inventory shall be placed into pools classified by major classes or types of goods. Where the material content of a class of finished products included in a pool has been changed, for example, to conform with current trends in an industry, a separate pool of finished products and goods-in-process will not ordinarily be required unless the change in material content results in a substantial change in the finished product.

(*d*) The requirement that pools be established by major types of materials or major classes of goods is not to be construed so as to preclude the establishment of a miscellaneous pool. Since a taxpayer may elect the dollar-value LIFO method with respect to all or any designated goods in his inventory, there may be a number of such inventory items covered in the election. A miscellaneous pool shall consist only of items which are relatively insignificant in dollar value by comparison with other inventory items in the particular trade or business and which are not properly includible as part of another pool.

(ii) *Raw materials content pools*. The dollar-value method of pricing LIFO inventories may be used in conjunction with the raw materials content method authorized in § 1.472–1. Raw materials which are substantially similar shall be pooled together in accordance with the principles of subdivision (i) of this subparagraph. However, inventories of raw or unprocessed materials of an unlike nature may not be placed into one pool, even though such materials become part of otherwise identical finished products.

(c) *Principles for establishing pools for wholesalers, retailers, etc.* Items of inventory in the hands of wholesalers, retailers, jobbers, and distributors shall be placed into pools by major lines, types, or classes of goods. In determining such groupings, customary business classifications of the particular trade in which the taxpayer is engaged is an important consideration. An example of such customary business classification is the department in the department store. In such case, practices are relatively uniform throughout the trade, and departmental grouping is peculiarly adapted to the customs and needs of the business. However, in appropriate cases, the principles set forth in paragraphs (b) (1) and (2) of this section, relating to pooling by natural business units, may be used, with permission of the Commissioner, by wholesalers, retailers, jobbers, or distributors. Where a wholesaler or retailer is also engaged in the manufacturing or processing of goods, the pooling of the LIFO inventory for the manufacturing or processing operations shall be determined in accordance with the rules of paragraph (b) of this section.

(d) *Determination of appropriateness of pools*. Whether the number and the composition of the pools used by the taxpayer is appropriate, as well as the propriety of all computations incidental to the use of such pools, will be determined in connection with the examination of the taxpayer's income tax returns. Adequate records must be maintained to support the base-year unit cost as well as the current-year unit cost for all items priced on the dollar-value LIFO inventory method. The pool or pools selected must be used for the year of adoption and for all subsequent taxable years unless a change is required by the Commissioner in order to clearly reflect income, or unless permission to change is granted by the Commissioner as provided in paragraph (e) of § 1.446–1. However, see paragraph (h) of this section for authorization to change the method of pooling in certain specified cases.

(e) *Methods of computation of the LIFO value of a dollar-value pool*—(1) *Methods authorized*. A taxpayer may ordinarily use only the so-called "double-extension" method for computing the base-year and current-year cost of a dollar-value inventory pool. However, a taxpayer entitled to use the retail method of pricing LIFO inventories authorized by section 1.472–1(k) may use retail price indexes prepared by the United States Bureau of Labor Statistics, and a taxpayer may use privately computed indexes if the method of computing such indexes is approved in advance by the Commissioner. The application for prior approval of such indexes shall be filed by letter with the Commissioner of Internal Revenue, Attention: T:R, Washington 25, D.C. The accuracy and reliability of such indexes will be determined in connection with the examination of the taxpayer's income tax returns. For taxable years beginning after December 31, 1960, the use of the so-called "link-chain" method will not be approved as an acceptable method for computing the base-year and current-year cost of a dollar-value inventory pool.

(2) *Double extension method*. (i) Under the double-extension method the quantity of each item in the inventory pool at the close of the taxable year is extended at both base-year unit cost and current-year unit cost. The respective extensions at the two costs are then each totaled. The first total gives the amount of the current inventory in terms of base-year cost and the second total gives the amount of such inventory in terms of current-year cost.

(ii) The total current-year cost of items making up a pool may be determined—

(*a*) By reference to the actual cost of the goods most recently purchased or produced;

(*b*) By reference to the actual cost of the goods purchased or produced during the taxable year in the order of acquisition;

(*c*) By application of an average unit cost equal to the aggregate cost of all of the goods purchased or produced throughout the taxable year divided by the total number of units so purchased or produced; or

(*d*) Pursuant to any other proper method which, in the opinion of the Commissioner, clearly reflects income.

(iii) Under the double-extension method a base-year unit cost must be ascertained for each item entering a pool for the first time subsequent to the beginning of the base year. In such a case, the base-year unit cost of the entering item shall be the current-year cost of that item unless the taxpayer is able to reconstruct or otherwise establish a different cost. If the entering item is a product or raw material not in existence on the base date, its cost may be reconstructed, that is, the taxpayer using reasonable means may determine what the cost of the item would have been had it been in existence in the base year. If the item was in existence on the base date but not stocked by the taxpayer, he may establish, by using available data or records, what the cost of the item would have been to the taxpayer had he stocked the item. If the base-year unit cost of the entering item is either reconstructed or otherwise established to the satisfaction of the Commissioner, such cost may be used as the base-year unit cost in applying the double-extension method. If the taxpayer does not reconstruct or establish to the satisfaction of the Commissioner a base-year unit cost, but does reconstruct or establish to the satisfaction of the Commissioner the cost of the item at some year subsequent to the base year, he may use the earliest cost which he does reconstruct or establish as the base-year unit cost.

(iv) To determine whether there is an increment or liquidation in a pool for a particular taxable year, the end of the year inventory of the pool expressed in terms of base-year cost is compared with the beginning of the year inventory of the pool expressed in terms of base-year cost. When the end of the year inventory of the pool is in excess of the beginning of the year inventory of the pool, an increment occurs in the pool for that year. If there is an increment for the taxable year, the ratio of the total current-year cost of the pool to the total base-year cost of the pool must be computed. This ratio when multiplied by the amount of the increment measured in terms of base-year cost gives the LIFO value of such increment. The LIFO value of each such increment is hereinafter referred to in this section as the "layer of increment" and must be separately accounted for and a record thereof maintained as a separate layer of the pool, and may not be combined with a layer of increment occurring in a different year. On the other hand, when the end of the year inventory of the pool is less than the beginning of the year inventory of the pool, a liquidation occurs in the pool for that year. Such liquidation is to be reflected by reducing the most recent layer of increment by the excess of the beginning of the year inventory over the end of the year inventory of the pool. However, if the amount of the liquidation exceeds the amount of the most recent layer of increment, the preceding layers of increment in reverse chronological order are to be successively reduced by the amount of such excess until all the excess is absorbed. The base-year inventory is to be reduced by liquidation only to the extent that the aggregate of all liquidation exceeds the aggregate of all layers of increment.

(v) The following examples illustrate the computation of the LIFO value of inventories under the double-extension method.

Example (1). (*a*) A taxpayer elects, beginning with the calendar year 1961, to compute his inventories by use of the LIFO inventory method under section 472 and further elects to use the dollar-value method in pricing such inventories as provided in paragraph (a) of this section. He creates Pool No. 1 for items A, B, and C. The composition of the inventory for Pool No. 1 at the base date, January 1, 1961, is as follows:

Items	Units	Unit cost	Total cost
A	1,000	$5	$5,000
B	2,000	4	8,000
C	500	2	1,000
Total base-year cost at Jan. 1, 1961			14,000

(*b*) The closing inventory of Pool No. 1 at December 31, 1961, contains 3,000 units of A, 1,000 units of B, and 500 units of C. The taxpayer computes the current-year cost of the items making up the pool by reference to the actual cost of goods most recently purchased. The most recent purchases of items A, B, and C are as follows:

Item	Purchase date	Quantity purchased	Unit cost
A	Dec. 15, 1961	3,500	$6.00
B	Dec. 10, 1961	2,000	5.00
C	Nov. 1, 1961	500	2.50

(*c*) The inventory of Pool No. 1 at December 31, 1961, shown at base-year and current-year cost is as follows:

Item	Quantity	Dec. 31, 1961, inventory at Jan. 1, 1961, base-year cost		Dec. 31, 1961, inventory at current-year cost	
		Unit cost	Amount	Unit cost	Amount
A	3,000	$5.00	$15,000	$6.00	$18,000
B	1,000	4.00	4,000	5.00	5,000
C	500	2.00	1,000	2.50	1,250
Total			$20,000		$24,250

(*d*) If the amount of the December 31, 1961, inventory at base-year cost were equal to, or less than, the base-year cost of $14,000 at January 1, 1961, such amount would be the closing LIFO inventory at December 31, 1961. However, since the base-year cost of the closing LIFO inventory at December 31, 1961, amounts to $20,000, and is in excess of the $14,000 base-year cost of the opening inventory for that year, there is a $6,000 increment in Pool No. 1 during the year. This increment must be valued at current-year cost, i.e., the ratio of $24,250/20,000, or 121.25 percent. The LIFO value of the inventory at December 31, 1961, is $21,275, computed as follows:

POOL NO. 1

	Dec. 31, 1961, inventory at Jan. 1, 1961, base-year cost	Ratio of total current-year cost to total base-year cost	Dec. 31, 1961, inventory at LIFO value
		Percent	
Jan. 1, 1961, base cost	$14,000	100.00	$14,000
Dec. 31, 1961, increment	6,000	121.25	7,275
Total	20,000		21,275

Example (2). (*a*) Assume the taxpayer in example (1) during the year 1962 completely disposes of item C and purchases item D. Assume further that item D is properly includible in Pool No. 1 under the provisions of this section. The closing inventory on December 31, 1962, consists of quantities at current-year unit cost, as follows:

Items	Units	Current-year unit cost Dec. 31, 1962
A	2,000	$6.50
B	1,500	6.00
D	1,000	5.00

(*b*) The taxpayer establishes that the cost of item D, had he acquired it on January 1, 1961, would have been $3.64 per unit. Such cost shall be used as the base-year unit cost for item D, and the LIFO computations at December 31, 1962, are made as follows:

Item	Quantity	Dec. 31, 1962, inventory at Jan. 1, 1961, base-year cost		Dec. 31, 1962, inventory at current-year cost	
		Unit cost	Amount	Unit cost	Amount
A	2,000	$5.00	$10,000	$6.50	$13,000
B	1,500	4.00	6,000	6.00	9,000
D	1,000	3.64	3,640	5.00	5,000
Total			19,640		27,000

(*c*) Since the closing inventory at base-year cost, $19,640, is less than the 1962 opening inventory at base-year cost, $20,000, a liquidation of $360 has occurred during 1962. This liquidation is to be reflected by reducing the most recent layer of increment. The LIFO value of the inventory at December 31, 1962, is $20,839, and is summarized as follows:

POOL NO. 1

	Dec. 31, 1962 inventory at Jan. 1, 1961 base-year cost	Ratio of total current-year cost to total base-year cost	Dec. 31, 1962 inventory at LIFO value
		Percent	
Jan. 1, 1961, base cost	$14,000	100.00	$14,000
Dec. 31, 1961, increment	5,640	121.25	6,839
Total	19,640		20,839

(f) *Change to dollar-value method from another method of pricing LIFO inventories*—(1) *Consent required.* Except as provided in § 1.472–3, in the case of a taxpayer electing to use a LIFO inventory method for the first time, a taxpayer using another LIFO method of pricing inventories may not change to the dollar-value method of pricing such inventories unless he first secures the consent of the Commissioner in accordance with paragraph (e) of § 1.446–1.

(2) *Method of converting inventory.* Where the taxpayer changes from one method of pricing LIFO inventories to the dollar-value method, the ending LIFO inventory for the taxable year immediately preceding the year of change shall be converted to the dollar-value LIFO method. This is done to establish the base-year cost for subsequent calculations. Thus, if the taxpayer was previously valuing LIFO inventories on the specific goods method, these separate values shall be combined into appropriate pools. For this purpose, the base year for the pool shall be the earliest taxable year for which the LIFO inventory method had been adopted for any item in that pool. No change will be made in the overall LIFO value of the opening inventory for the year of change as a result of the conversion, and that inventory will merely be restated in the manner used under the dollar-value method. All layers of increment for such inventory must be retained, except that all layers of increment which occurred in the same taxable year must be combined. The following examples illustrate the provisions of this subparagraph:

Example (1). (i) Assume that the taxpayer has used another LIFO method for finished goods since 1954 and has complied with all the requirements prerequisite for a change to the dollar-value method. Items A, B, and C, which have previously been inventoried under the specific goods LIFO method, may properly be included in a single dollar-value LIFO pool. The LIFO inventory value of items A, B, and C at December 31, 1960, is $12,200, computed as follows:

Year	Base quantity and yearly increments	Unit cost	Dec. 31, 1960, inventory at LIFO value
Item A			
1954 (base year)	100	$1	$100
1955	200	2	400
1956	100	4	400
1960	100	6	600
Total	500		1,500
Item B			
1954 (base year)	300	6	1,800
1955	100	8	800
1960	50	10	500
Total	450		3,100
Item C			
1954 (base year)	1,000	4	4,000
1955	200	6	1,200
1956	300	8	2,400
Total	1,500		7,600
LIFO value of items A, B, and C at Dec. 31, 1960			12,200

There were no increments in the years 1957, 1958, or 1959.

(ii) The computation of the ratio of the total current-year cost to the total base-year cost for the base year and each layer of increment in pool No. 1 is shown as follows:

Item	1954 base-year unit cost	Year 1954	Increments		
			1955	1956	1960
A					
Base-year cost	$1.00	$100	$200	$100	$100
LIFO value		100	400	400	600
B					
Base-year cost	6.00	1,800	600		300
LIFO value		1,800	800		500
C					
Base-year cost	4.00	4,000	800	1,200	
LIFO value		4,000	1,200	2,400	
Total—Base-year cost		5,900	1,600	1,300	400
Total—LIFO value		5,900	2,400	2,800	1,100
Ratio of total current-year cost to total base-year cost (percent)		100.00	150.00	215.38	275.00

(iii) On the basis of the foregoing computations, the LIFO inventory of pool No. 1, at December 31, 1960, is restated as follows:

	Dec. 31, 1960, inventory at base-year cost	Ratio of total current-year cost to total base-year cost	Dec. 31, 1960, inventory at LIFO value
		Percent	
1954 base cost	$5,900	100.00	$5,900
1955 increment	1,600	150.00	2,400
1956 increment	1,300	215.38	2,800
1960 increment	400	275.00	1,100
Total	9,200		12,200

Example (2). Assume the same facts as in example (1) and assume further that the base-year cost of pool No. 1 at December 31, 1961, is $8,350. Since the closing inventory for the taxable year 1961 at base-year cost is less than the opening inventory for that year at base-year cost, a liquidation has occurred during 1961. This liquidation absorbs all of the 1960 layer of increment and part of the 1956 layer of increment. The December 31, 1961, inventory is $10,131, computed as follows:

	Dec. 31, 1961 inventory at base-year cost	Ratio of total current-year cost to total base-year cost	Dec. 31, 1961 inventory at LIFO value
		Percent	
1954 base cost	$5,900	100.00	$5,900
1955 increment	1,600	150.00	2,400
1956 increment	850	215.38	1,831
Total	8,350		10,131

(g) *Transitional rules*—(1) *Change in method of pooling.* Any method of pooling authorized by this section and used by the taxpayer in computing his LIFO inventories under the dollar-value method shall be treated as a method of accounting. Any method of pooling which is authorized by this section shall be used for the year of adoption and for all subsequent taxable years unless a change is required by the Commissioner in order to clearly reflect income, or unless permission to change is granted by the Commissioner as provided in paragraph (e) of § 1.446–1. Where the taxpayer changes from one method of pooling to another method of pooling permitted by this section, the ending LIFO inventory for the taxable year preceding the year of change shall be restated under the new method of pooling.

(2) *Manner of combining or separating dollar-value pools.* (i) A taxpayer who has been using the dollar-value LIFO method and who is permitted or required to change his method of pooling, shall combine or separate the LIFO value of his inventory for the base year and each yearly layer of increment in order to conform to the new pool or pools. Each yearly layer of increment in the new pool or pools must be separately accounted for and a record thereof maintained, and any liquidation occurring in the new pool or pools subsequent to the formation thereof shall be treated in the same manner as if the new pool or pools had existed from the date the taxpayer first adopted the LIFO inventory method. The combination or separation of the LIFO value of his inventory for the base year and each yearly layer of increment shall be made in accordance with the appropriate method set forth in this subparagraph, unless the use of a different method is approved by the Commissioner.

(ii) Where the taxpayer is permitted or required to separate a pool into more than one pool, the separation shall be made in the following manner: First, each item in the former pool shall be placed in an appropriate new pool. Every item in each new pool is then extended at its base-year unit cost and the extensions are totaled. Each total is the amount of inventory for each new pool expressed in terms of base-year cost. Then a ratio of the total base-year cost of each new pool to the base-year cost of the former pool is computed. The resulting ratio is applied to the amount of inventory for the base year and each yearly layer of increment of the former pool to obtain an allocation to each new pool of the base-year inventory of the former pool and subsequent layers of increment thereof. The foregoing may be illustrated by the following of a change for the taxable year 1961:

Example. (a) Assume that items A, B, C, and D are all grouped together in one pool prior to December 31, 1960. The LIFO inventory value at December 31, 1960, is computed as follows:

	Pool ABCD		
	Dec. 31, 1960, inventory at Jan. 1, 1956 base-year cost	Ratio of total current-year cost to total base-year cost	Dec. 31, 1960, inventory at LIFO value
		Percent	
Jan. 1, 1956, base cost	$10,000	100	$10,000
Dec. 31, 1956, increment	1,000	110	1,100
Dec. 31, 1958, increment	5,000	120	6,000
Dec. 31, 1960, increment	4,000	125	5,000
Total	20,000		22,100

(*b*) The extension of the quantity items A, B, C, and D at respective base-year unit costs is as follows:

Item	Quantity	Base-year unit cost	Amount
A	2,000	$2	$4,000
B	1,000	3	3,000
C	1,000	5	5,000
D	4,000	2	8,000
Total			20,000

(*c*) Under the provisions of this section the taxpayer separates former pool ABCD into two pools, pool AB and pool CD. The computation of the ratio of total base-year cost for each of the new pools to the base-year cost of the former pool is as follows:

Item	Total base-year cost	Ratio
Pool AB:		
A	$4,000	
B	3,000	
	7,000	7,000/20,000
Pool CD:		
C	5,000	
D	8,000	
	13,000	13,000/20,000
Total for pool ABCD	20,000	

(*d*) The ratio of the base-year cost of new pools AB and CD to the base-year cost of former pool ABCD is 7,000/20,000 and 13,000/20,000, respectively. The allocation of the January 1, 1956 base cost and subsequent yearly layers of increment of former pool ABCD to new pools AB and CD is as follows:

	Base-year cost to be allocated	Pool	
		AB	CD
Jan. 1, 1956, base cost	$10,000	$3,500	$6,500
Dec. 31, 1956, increment	1,000	350	650
Dec. 31, 1958, increment	5,000	1,750	3,250
Dec. 31, 1960, increment	4,000	1,400	2,600
Total	20,000	7,000	13,000

(*e*) The LIFO value of new pools AB and CD at December 31, 1960, as allocated, is as follows:

	Dec. 31, 1960, inventory at Jan. 1, 1956, base-year cost	Ratio of total current-year cost to total base-year cost	Dec. 31, 1960, inventory at LIFO value
Pool AB		*Percent*	
Jan. 1, 1956, base cost	$3,500	100	$3,500
Dec. 31, 1956, increment	350	110	385
Dec. 31, 1958, increment	1,750	120	2,100
Dec. 31, 1960, increment	1,400	125	1,750
Total	7,000		7,735
Pool CD			
Jan. 1, 1956, base cost	6,500	100	6,500
Dec. 31, 1956, increment	650	110	715
Dec. 31, 1958, increment	3,250	120	3,900
Dec. 31, 1960, increment	2,600	125	3,250
Total	13,000		14,365

(iii) Where the taxpayer is permitted or required to combine two or more pools having the same base year, they shall be combined into one pool in the following manner: The LIFO value of the base-year inventory of each of the former pools is combined to obtain a LIFO value of the base-year inventory for the new pool. Then, any layers of increment in the various pools which occurred in the same taxable year are combined into one total layer of increment for that taxable year. However, layers of increment which occurred in different taxable years may not be combined. In combining the layers of increment a new ratio of current-year cost to base-year cost is computed for each of the combined layers of increment. The foregoing may be illustrated by the following example:

Example. (*a*) Assume the taxpayer has two pools at December 31, 1960. Under the provisions of this section the taxpayer combines these pools into a single pool as of January 1, 1961. The LIFO inventory value of each pool at December 31, 1960, is shown as follows:

	Dec. 31, 1960, inventory at Jan. 1, 1957, base-year cost	Ratio of total current-year cost to total base-year cost	Dec. 31, 1960, inventory at LIFO value
Pool No. 1		*Percent*	
Jan. 1, 1957, base cost	$10,000	100	$10,000
Dec. 31, 1957, increment	2,000	110	2,200
Dec. 31, 1960, increment	1,000	120	1,200
Total	13,000		13,400
Pool No. 2			
Jan. 1, 1957, base cost	5,000	100	5,000
Dec. 31, 1960, increment	3,000	140	4,200
Total	8,000		9,200

(*b*) The computation of the ratio of the total current-year cost to the total base-year cost for the base year and each yearly layer of increment in the new pool is as follows:

Pool	Base year 1957	Increments	
		Dec. 31, 1957	Dec. 31, 1960
No. 1:			
Base-year cost	$10,000	$2,000	$1,000
LIFO value	10,000	2,200	1,200
No. 2:			
Base-year cost	5,000		3,000
LIFO value	5,000		4,200
Total, base-year cost	15,000	2,000	4,000
Total, LIFO value	15,000	2,200	5,400
Ratio of total current-year cost to total base-year cost (percent)	100	110	135

(*c*) On the basis of the foregoing computations, the LIFO inventory of the new pool at December 31, 1960, is restated as follows:

	Dec. 31, 1960, inventory at Jan. 1, 1957, base-year cost	Ratio of total current-year cost to total base-year cost	Dec. 31, 1960, inventory at LIFO value
		Percent	
Jan. 1, 1957, base cost	$15,000	100	$15,000
Dec. 31, 1957, increment	2,000	110	2,200
Dec. 31, 1960, increment	4,000	135	5,400
Total	21,000		22,600

(iv) In combining pools having different base years, the principles set forth in subdivision (iii) of this subparagraph are to be applied, except that all base years subsequent to the earliest base year shall be treated as increments, and the base-year costs for all pools having a base year subsequent to the earliest base year of any pool shall be redetermined in terms of the base cost for the earliest base year. The foregoing may be illustrated by the following example:

Example. (*a*) Assume that the taxpayer has two pools at December 31, 1960. Under the provisions of this section the taxpayer combines these pools into a single pool as of January 1, 1961. The LIFO inventory value of each pool at December 31, 1960, is shown as follows:

	Dec. 31, 1960, inventory at Jan. 1, 1956, base-year cost	Ratio of total current-year cost to total base-year cost	Dec. 31, 1960, inventory at LIFO value
Pool No. 1		*Percent*	
Jan. 1, 1956, base cost	$7,000	100	$7,000
Dec. 31, 1956, increment	1,000	105	1,050
Dec. 31, 1957, increment	500	110	550
Dec. 31, 1958, increment	500	110	550
Dec. 31, 1960, increment	1,000	120	1,200
Total	10,000		10,350
	Dec. 31, 1960, inventory at Jan. 1, 1958, base-year cost		
Pool No. 2			
Jan. 1, 1958, base cost	$3,500	100	$3,500
Dec. 31, 1958, increment	1,000	110	1,100
Dec. 31, 1959, increment	500	115	575
Total	5,000		5,175

(*b*) The next step is to redetermine the 1958 base-year cost for Pool No. 2 in terms of 1956 base-year cost. January 1, 1956 base-year unit cost must be reconstructed or established in accordance with paragraph (e) (2) of this section for each item in Pool No. 2. Such costs are assumed to be $9.00 for item A, $20.00 for item B, and $1.80 for item C. A ratio of the 1958 total base-year cost to the 1956 total base-year cost for Pool No. 2 is computed as follows:

Item	Quantity	Jan. 1, 1956, base-year unit cost	Jan. 1, 1956, base-year cost
A	250	$9.00	$2,250
B	75	20.00	1,500
C	500	1.80	900
Total			4,650

Item	Quantity	Jan. 1, 1958, base-year unit cost	Jan. 1, 1958, base-year cost
A	250	$10.00	$2,500
B	75	20.00	1,500
C	500	2.00	1,000
Total			5,000

(*c*) The ratio of the 1956 total base-year cost to the 1958 total base-year cost for Pool No. 2 is 4,650/5,000 or 93 percent. The January 1, 1958 base cost and each yearly layer of increment at 1958 base-year cost is multiplied by this ratio. Such computation is as follows:

	Dec. 31, 1960, inventory at Jan. 1, 1958, base-year cost	Ratio	Dec. 31, 1960, inventory restated at Jan. 1, 1956, base-year cost
		Percent	
Jan. 1, 1958, base cost	$3,500	93	$3,255
Dec. 31, 1958, increment	1,000	93	930
Dec. 31, 1959, increment	500	93	465
Total			4,650

(*d*) The computation of the ratio of the total current-year cost to the total base-year cost for the base year (1956) and each yearly layer of increment in the new pool is as follows:

Pool	Base year 1956	Increments				
		Dec. 31, 1956	Dec. 31, 1957	Dec. 31, 1958	Dec. 31, 1959	Dec. 31, 1960
No. 1:						
Base-year cost	$7,000	$1,000	$500	$500		$1,000
LIFO value	7,000	1,050	550	550		1,200
No. 2:						
Base-year cost as restated			3,255	930	$465	
LIFO value			3,500	1,100	575	
Total, base-year cost	7,000	1,000	3,755	1,430	465	1,000
Total, LIFO value	7,000	1,050	4,050	1,650	575	1,200
Ratio of total current-year cost to total base-year cost (percent)	100.00	105.00	107.86	115.38	123.66	120.00

(*e*) On the basis of the foregoing computation, the LIFO inventory of the new pool at December 31, 1960, is restated as follows:

	Dec. 31, 1960, inventory at Jan. 1, 1956, base-year cost	Ratio of total current-year cost to total base-year cost	Dec. 31, 1960, inventory at LIFO value
		Percent	
Jan. 1, 1956, base cost	$7,000	100.00	$7,000
Dec. 31, 1956, increment	1,000	105.00	1,050
Dec. 31, 1957, increment	3,755	107.86	4,050
Dec. 31, 1958, increment	1,430	115.38	1,650
Dec. 31, 1959, increment	465	123.66	575
Dec. 31, 1960, increment	1,000	120.00	1,200
Total	14,650		15,525

(3) *Change in methods of computation of the LIFO value of a dollar-value pool.* For the first taxable year beginning after December 31, 1960, the taxpayer must use a method authorized by paragraph (e)(1) of this section in computing the base-year cost and current-year cost of a dollar-value inventory pool for the end of such year. If the taxpayer had previously used any methods other than one authorized by paragraph (e)(1) of this section, he shall not be required to recompute his LIFO inventories for taxable years beginning on or before December 31, 1960, under a method authorized by such paragraph. The base cost and layers of increment previously computed by such other method shall be retained and treated as if such base cost and layers of increment had been computed under a method authorized by paragraph (e)(1) of this section. The taxpayer shall use the year of change as the base year in applying the double-extension method or other method approved by the Commissioner, instead of the earliest year for which he adopted the LIFO method for any items in the pool.

(h) *Change without consent in method of pooling*—(1) *Authorization.* Notwithstanding the provisions of paragraph (g) of this section, a taxpayer, for his first taxable year ending more than 90 days after the date of publication of these regulations in the FEDERAL REGISTER as a Treasury decision, may change from one method of pooling authorized by this section to any other method of pooling authorized by this section provided the requirements of subparagraph (2) of this paragraph are met. The method of pooling adopted shall be used for the year of change and for all subsequent taxable years unless a change is required by the Commissioner in order to clearly reflect income, or unless permission to change is granted by the Commissioner as provided in paragraph (e) of § 1.446–1.

(2) *Requirements.* A statement shall be attached to the income tax return for the year of change referred to in subparagraph (1) of this paragraph setting forth, in summary form, the following information:

(i) A description of the new pool or pools,

(ii) The basis for selection of the new pool or pools,

(iii) A schedule showing the computation of the LIFO value of the former pool or pools, and,

(iv) A schedule showing the transition from the former pool or pools to the new pool or pools.

In addition, a copy of the statement shall be filed with the Commissioner of Internal Revenue, Attention: T:R, Washington 25, D.C. The taxpayer shall submit such other information with respect to the change in method of pooling as may be requested.

[F.R. Doc. 60–11068; Filed, Nov. 30, 1960; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 51]

UNITED STATES STANDARDS FOR FLORIDA GRAPEFRUIT [1]

Bronze Grade

Notice is hereby given that the United State Department of Agriculture is considering the amendment of § 51.754 of United States Standards for Grades of Florida Grapefruit (7 CFR 51.750 to 51.783) pursuant to the authority contained in the Agricultural Marketing Act of 1946 (secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627).

Statement of considerations leading to the proposed amended U.S. No. 1 Bronze grade in the United States standards for grades of Florida grapefruit. It is proposed to amend the U.S. No. 1 Bronze grade pertaining to the amount of rust mite type discoloration required.

The existing Bronze grade which became effective September 15, 1960 requires that the predominating discoloration on each fruit must be of rust mite type. The proposed amended grade would require that more than 30 percent of the fruits shall have more than one-third of the surface, in the aggregate, affected by discoloration, which must consist predominantly of rust mite type.

The present Bronze grade has been found to be unrealistic from the grading and sorting standpoint. The wording in the present grade requires the careful evaluation of the area and types of discoloration on each individual fruit to assure that rust mite type predominates. On fruit showing a small amount of discoloration this is unimportant from the standpoint of the general appearance of the lot.

In the proposed amended grade rust mite type discoloration must predominate only on fruits showing more than ⅓ of the surface discolored. This will accomplish the elimination of a large amount of other more objectionable types of discolorations. The proposed wording change will facilitate the sorting procedure, eliminating prohibitively tedious and expensive evaluation of the discoloration on each individual fruit. The proposed amendment should assist in providing a more uniform flow of Bronze grade fruit to market.

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed amendment should file the same with the Chief, Fresh Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, South Building, Washington 25, D.C., not later than December 15, 1960.

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[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

Section 51.754 as amended, follows:

§ 51.754 U.S. No. 1 Bronze.

The requirements of this grade are the same as for U.S. No. 1 except that all fruits must show some discoloration. More than 30 percent, by count, of the fruits shall have more than one-third of the surface, in the aggregate, affected by discoloration; the predominating discoloration on these fruits shall be of rust mite type.

Dated: November 25, 1960.

ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 60-11154; Filed, Nov. 30, 1960; 8:47 a.m.]

[7 CFR Part 51]

UNITED STATES STANDARDS FOR FLORIDA ORANGES AND TANGELOS [1]

Bronze Grade

Notice is hereby given that the United States Department of Agriculture is considering the amendment of § 51.1145 of United States Standards for Grades of Florida Oranges and Tangelos (7 CFR 51.1140 to 51.1178) pursuant to the authority contained in the Agricultural Marketing Act of 1946 (secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627).

Statement of considerations leading to the proposed amended U.S. No. 1 Bronze grade in the United States standards for grades of Florida oranges and tangelos. It is proposed to amend the U.S. No. 1 Bronze grade pertaining to the amount of rust mite type discoloration required.

The existing Bronze grade which became effective September 15, 1960 requires that the predominating discoloration on each fruit must be of rust mite type. The proposed amended grade would require that more than 30 percent of the fruits shall have more than one-third of the surface, in the aggregate, affected by discoloration, which must consist predominately of rust mite type.

The present Bronze grade has been found to be unrealistic from the grading and sorting standpoint. The wording in the present grade requires the careful evaluation of the area and types of discoloration on each individual fruit to assure that rust mite type predominates. On fruit showing a small amount of discoloration this is unimportant from the standpoint of the general appearance of the lot.

In the proposed amended grade rust mite type discoloration must predominate only on fruits showing more than one-third of the surface discolored. This will accomplish the elimination of a large amount of other more objectionable types of discolorations. The proposed wording change will facilitate the sorting procedure, eliminating prohibitively tedious and expensive evaluation of the discoloration on each individual fruit. The proposed amendment should assist in providing a more uniform flow of Bronze grade fruit to market.

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed amendment should file the same with the Chief, Fresh Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, South Building, Washington 25, D.C., not later than December 15, 1960.

Section 51.1145 as amended, follows:

§ 51.1145 U.S. No. 1 Bronze.

The requirements of this grade are the same as for U.S. No. 1 except that all fruits must show some discoloration. More than 30 percent, by count, of the fruits shall have more than one-third of the surface, in the aggregate, affected by discoloration; the predominating discoloration on these fruits shall be of rust mite type.

Dated: November 25, 1960.

ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 60-11155; Filed, Nov. 30, 1960; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 176]

LEAD AND ZINC MINING OPERATIONS AND LEASES, QUAPAW AGENCY

Other Minerals and Deep-Lying Lead and Zinc Minerals

Basis and purpose. Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by section 26 of the Act of March 3, 1921 (41 Stat. 1248) and the Act of March 3, 1909 (35 Stat. 783), it is proposed to amend 25 CFR Part 176 as set forth below. The purpose of the amendment is to refer to 25 CFR Part 172 for regulations for leasing Quapaw Indian lands for mining minerals other than lead and zinc and for lead and zinc and associate minerals which may be found at depths below the horizon of the rock stratum known as the Reed Springs Formation.

It is the policy of the Department of the Interior whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendment to the Commissioner of Indian Affairs, Department of the Interior, Washington 25, D.C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

Section 176.25 is amended to change the heading and present text and to read as follows:

§ 176.25 Other minerals and deep-lying lead and zinc minerals.

Except as provided in § 176.6(b), leases on Quapaw Indian lands, for mining minerals other than lead and zinc and for lead and zinc and associated minerals below the horizon of the rock stratum known as the Reed Springs Formation, shall be made pursuant to the provisions of Part 172 of this subchapter.

GEORGE W. ABBOTT,
Assistant Secretary of the Interior.

NOVEMBER 25, 1960.

[F.R. Doc. 60-11143; Filed, Nov. 30, 1960; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition has been filed by Japan Chemical Research and Industries, Ltd., No. 5, 1-Chome, Kyobashi, Chou-Ku, Tokyo, Japan, proposing the issuance of a regulation to provide for the use of certain resins in can enamels.

Dated: November 23, 1960.

[SEAL] J. K. KIRK,
Assistant to the Commissioner
of Food and Drugs.

[F.R. Doc. 60-11166; Filed, Nov. 30, 1960; 8:49 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 41]

[Regulatory Docket No. 582; Draft Release No. 60-19]

CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE THE CONTINENTAL LIMITS OF THE UNITED STATES

Notice of Proposed Rule Making

Pursuant to the authority delegated to me by the Administrator (14 CFR 405.27), notice is hereby given that the Federal Aviation Agency (FAA) has under consideration a proposal to revise Part 41 of the Civil Air Regulations as hereinafter set forth.

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[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. prior to March 1, 1961. Thereafter, such comments will be available in the Docket Section to all interested persons. After examination of the original comments received, interested persons may submit such additional comments in response thereto as they may desire. Such additional comments must be submitted prior to April 1, 1961. (Photostatic copies of comments on file in the Docket Section may be obtained upon payment of the cost of such copies). All original comments and additional comments in response thereto received by the dates specified for receipt thereof will be considered by the Administrator before taking action on the proposed rules. The proposals contained in this notice may be changed in the light of the comments received.

A revision of Part 41 of the Civil Air Regulations has been under consideration for some time, the last proposed revision having been circulated by the Civil Aeronautics Board in Draft Release 58-24, dated December 24, 1958 (24 F.R. 145).

While this proposal takes cognizance of those areas wherein scheduled international air carrier operations differ from those of scheduled domestic air carriers, it also recognizes the many areas in which such operations are similar, and attempts to achieve as much uniformity as is practicable between the regulations of Parts 40 and 41 in such areas.

All of the operations specifications currently issued to Part 41 air carriers contain certain rules which are substantively the same. Since these rules are standard in nature, it is appropriate to remove them from the individual operations specifications of the air carriers and incorporate them, without substantive change, in revised Part 41 as rules of general applicability. This has been done in this proposal with respect to some of the standard provisions presently contained in the operations specifications of the individual Part 41 air carriers. The Agency proposes to incorporate other such standard provisions, without substantive change, into revised Part 41 as finally adopted.

This proposal incorporates into revised Part 41 certain rules and interpretive material related to the basic regulation which heretofore have been published separately in a Civil Aeronautics Manual. In addition, it will be noted that an Appendix A has been added in this proposal which sets forth in detail the required first-aid and survival equipment approved by FAA.

Many of the provisions appearing in Draft Release 58-24 have been changed in this proposal. A number of these changes reflect pertinent amendments to the Civil Air Regulations which have been adopted since the circulation of Draft Release 58-24. Other changes are the result of evaluation of comments received in response to that draft release and reflect the current views of the Federal Aviation Agency with regard to the rules governing air carrier operations in overseas and foreign air transportation.

The differences between the provisions of this proposal and those in current Part 41 and previous Draft Release 58-24 are too numerous to be listed in their entirety. However, some significant differences reflected in this current proposal are as follows:

1. Section 41.1 *Applicability:* A provision has been added to the applicability section to make it clear that certain of the rules prescribed in the part apply to individual persons other than the air carrier itself.

2. Sections 41.19 and 41.20 *Contents and utilization of operations specifications:* Provisions have been added to § 41.19 to require basic information regarding airplanes operated by an air carrier to be included in its operations specifications. A requirement has been added to § 41.20 to insure that provisions of the operations specifications inserted in the air carrier's manual can be readily identified as such.

3. Section 41.30 *General route requirements:* This section has been clarified with respect to the showing required to obtain approval of routes.

4. Section 41.32 *Width of routes:* This section has been revised to specify, with greater particularity, widths for various approved routes.

5. Section 41.36 *En route navigational facilities:* A provision has been added to make it clear that navigational facilities on approved routes outside of controlled airspace will be specified in the air carrier operations specifications.

6. Section 41.53 *Airplane Flight Manual:* A provision has been added which will insure that when required sections of the Airplane Flight Manual are incorporated into the Air Carrier Manual they will not lose their identity.

7. Sections 41.70 and 41.90 *Transport and nontransport category airplane operating limitations:* The Agency believes that large cargo-carrying airplanes should be required by regulation to meet the same performance operating limitations standards as passenger-carrying airplanes. Such a requirement is considered necessary for the protection of the public in the vicinity of airports and also to insure the safety of the airplane and flight crew during en route flight over high terrain. Accordingly, §§ 41.70 and 41.90 have been revised by deleting those terms which limit the applicability of the current sections to passenger-carrying airplanes only.

8. Section 41.111 *Fire prevention—cargo airplanes:* This section has been added to make provisions for fire prevention applicable to cargo-only airplanes.

9. Section 41.115 *Fire precautions:* Paragraph (e) of this section brings the regulation into conformity with Part 4b of the Civil Air Regulations with respect to Class "E" compartments in cargo-only airplanes.

10. Section 41.153 *Carriage of cargo in passenger compartments:* This section has been revised to include provisions for approved bins to be located in the passenger compartment.

11. Section 41.173 *Emergency equipment for all operations:* This section reflects requirements for approval of emergency equipment. It would require first-aid kits to be approved in accordance with the applicable provisions of Appendix A.

12. Section 41.174 *Seats and safety belts for all occupants:* The provisions of this section have been revised to specify more clearly seat and safety belt requirements for occupants of air carrier airplanes. As revised, the rule would require each person on board the airplane to occupy a seat or berth with a safety belt fastened during takeoff and landing.

13. Section 41.179 *Shoulder harness:* A new provision has been added to require all airplanes to be equipped with shoulder harnesses at the pilot and flight engineer stations.

14. Sections 41.206 and 41.208 *Equipment for operations over water and uninhabited terrain:* These sections would require survival equipment for operations over water and uninhabited terrain to be approved in accordance with the applicable provisions of Appendix A.

15. Section 41.209 *Equipment for operations on which specialized means of navigation are required:* This section would require the air carrier to show that sufficient and adequate navigation equipment is provided in the aircraft to accomplish the specialized navigation required on each route.

16. Section 41.243 *Maintenance and inspection personnel duty time limitations:* This section would provide duty time limitations for maintenance and inspection personnel located within the United States, its Territories and possessions.

17. Section 41.262 *Flight navigator:* This section elaborates on the requirements for inclusion of a flight navigator in the flight crew and specifies in detail the criteria which will be used in determining when a navigator is required.

18. Section 41.265 *Flight attendant:* Considering the problems associated with evacuation, decompression, and other possible emergency situations, it is provided in this section that when more than 100 passengers are carried, the air carrier shall assign at least 3 flight attendants to serve on the aircraft.

19. Section 41.267 *Assignment of emergency evacuation functions for each crewmember:* In order to insure crew coordination and familiarity of all crewmembers with emergency functions, this section has been revised to require the air carrier to show that such functions are realistic and capable of accomplishment, and to require all such functions to be executed by all crewmembers in the course of their participation in the approved training program.

20. Sections 41.303 and 41.304 *Pilot route and airport qualification requirements:* The airport qualification requirements have been revised to provide that a pilot may be dispatched to an airport without prior entry provided initial entry is made at higher than normally authorized minimums. In addition, a pilot would be required to accomplish more stringent ground qualification procedures in order to become route and airport qualified.

21. Section 41.310 *Aircraft dispatcher qualification for duty:* The provisions of this section are similar to those currently in Part 40. In order to dispatch aircraft in his area of jurisdiction, a dispatcher would be required to make at least one round trip each 12 months over a representative route in his area.

22. Section 41.320 *Flight time limitations:* Due to the complexity of the issues inherent in flight time limitations for flight crewmembers, the Bureau is making a separate study of the current limitations and will present proposals to amend them in a separate rule making proceeding. Accordingly, the currently effective flight time limitations for flight crewmembers are retained in this proposal with the understanding that they will be the subject of a separate and subsequent proposal.

23. Section 41.356 *Admission to flight deck:* For purposes of clarification, the provisions of this section have been revised to include a definition of the term "flight deck."

24. Section 41.359 *Operations over approved routes required:* This section, the substance of which presently appears in individual operations specifications of the air carriers, has general application and is, therefore, being incorporated into Part 41, so that it may be deleted from the individual operations specifications of the air carriers.

25. Section 41.387 *Dispatching under IFR, over-the-top, or over water:* This provision eliminates the long- and short-range requirements contained in current Part 41 and provides for dispatch to destination, requiring that both destination and alternates be forecast to be above minimums at time of arrival. This provision applies the same standards as are currently applicable to Part 40 air carriers. Redispatch in flight is provided for in § 41.393.

26. Section 41.396 *Fuel supply for all operations:* The provisions of this section proposed for reciprocating and turbo-propeller-powered airplanes are considered adequate for safe operations and more realistic than present requirements in view of the related dispatch rules proposed in this revision. The fuel requirements proposed for turbo jet airplanes are the same as those currently contained in Special Civil Air Regulation No. SR-427B.

27. Section 41.397 *Factors involved in computing fuel required:* In order to clarify the issues involved in fuel planning, a provision has been added requiring consideration to be given to the possibility of having to conduct an instrument approach and climb back to altitude for flight to an alternate airport, when planning fuel requirements for operations.

This revision is proposed under the authority of Titles III and VI, and section 1102 of the Federal Aviation Act of 1958.

(72 Stat. 744-754, 775-780, and 797; 49 U.S.C. 1341-1355, 1421-1430, and 1502)

Issued in Washington, D.C., on November 25, 1960.

Oscar Bakke,
Director,
Bureau of Flight Standards.

Proposed revision of Part 41 of the Civil Air Regulations:

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41.1 Applicability of this part.
41.2 Additional rules applicable to operations subject to this part.
41.5 Definitions.

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41.10 Certificate required.
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41.19 Contents of operations specifications.
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41.22 Inspection authority.
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41.30 General route requirements.
41.32 Width of routes.
41.33 Airports.
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41.38 Location of dispatch centers.

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41.50 Preparation of Air Carrier Manual.
41.51 Contents of Air Carrier Manual.
41.52 Distribution of Air Carrier Manual.
41.53 Airplane Flight Manual.

Airplane Requirements

41.60 General.
41.61 Airplane certification requirements.
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Airplane Performance Operating Limitations; Transport Category

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41.75 En route limitations; two engines inoperative.
41.76 Special en route limitations.
41.77 Landing distance limitations; airport of destination.
41.78 Landing distance limitations; alternate airports.

Airplane Performance Operating Limitations; Nontransport Category

41.90 Nontransport category airplane operating limitations.
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41.93 Landing distance limitations; airport of intended destination.
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41.116 Proof of compliance.
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Sec.

41.119 Location of fuel tanks.
41.120 Fuel system lines and fittings.
41.121 Fuel lines and fittings in designated fire zones.
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41.124 Oil valves.
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41.126 Engine breather line.
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41.132 Flammable fluids.
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41.136 Fire-extinguishing systems.
41.137 Fire-extinguishing agents.
41.138 Extinguishing agent container pressure relief.
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41.140 Fire-extinguishing system materials.
41.141 Fire-detector systems.
41.142 Fire detectors.
41.143 Protection of other airplane components against fire.
41.150 Control of engine rotation.
41.151 Fuel system independence.
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41.153 Carriage of cargo in passenger compartments.
41.154 Carriage of cargo in cargo compartments.

Instruments and Equipment for All Operations

41.170 Airplane instruments and equipment for all operations.
41.171 Flight and navigational equipment for all operations.
41.172 Engine instruments for all operations.
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APPLICABILITY AND DEFINITIONS

§ 41.1 Applicability of this part.

The provisions of this part are applicable to the following persons:

(a) An air carrier holding a certificate of public convenience and necessity issued by the Board, when it engages in scheduled air transportation between a place in any State of the United States, or the District of Columbia, and any place in a Territory or possession of the United States; or between any place in a Territory or possession of the United States, and a place in any other Territory or possession of the United States; or between places in a Territory or possession of the United States; or between any place in the United States and any place outside thereof; or between any two places outside the United States; or between a place in the State of Alaska and any other state of the United States; or between the State of Hawaii and any other state of the United States;

(b) An Alaskan air carrier and any other air carrier holding a certificate of public convenience and necessity issued by the Board, when it engages in scheduled air carrier operations between points within the State of Alaska or the State of Hawaii; and

(c) Any airman, air agency, or other person employed or used by an air carrier in the conduct of operations subject to this part (including the operation, inspection, maintenance, and overhaul of aircraft), and any person while on board an airplane operated by an air carrier under the provisions of this part.

§ 41.2 Additional rules applicable to operations subject to this part.

Unless otherwise specified in this part or the operations specifications of the air carrier, operations subject to the provisions of this part shall be conducted in compliance with the following additional rules:

(a) *Within the United States.* Parts 43 and 60 of this chapter (Civil Air Regulations).

(b) *Over the high seas.* Part 43 of this chapter (Civil Air Regulations) and Annex 2 (Rules of the Air) to the Convention on International Civil Aviation, except where any rule of this part is more restrictive and may be followed without violating the rules of Annex 2.

(c) *Within a foreign country.* Part 43 of this chapter (Civil Air Regulations) and the air traffic rules of the foreign government and local airport rules, except where any rule of this part is more restrictive and may be followed without violating the rules of such foreign country.

§ 41.5 Definitions.

As used in this part, terms are defined as follows:

Accelerate-stop distance. Accelerate-stop distance is the distance required to accelerate an airplane to a specified speed and, assuming failure of the critical engine at the instant that speed is attained, to bring the airplane to a stop. (See the pertinent airworthiness requirements for the manner in which such distance is determined).

Administrator. The Administrator is the Administrator of the Federal Aviation Agency.

Air carrier. An air carrier is any citizen of the United States who undertakes directly, or by lease or by other arrangement, to engage in air transportation as defined in the Federal Aviation Act of 1958.

Aircraft dispatcher. An aircraft dispatcher is an individual holding a valid aircraft dispatcher certificate issued by the Administrator who exercises responsibility with the pilot in command in the operational control of each flight.

Airframe. Airframe means any and all kinds of fuselages, booms, nacelles, cowlings, fairings, empennages, airfoil surfaces, and landing gear, and all parts, accessories, or controls, of whatever description, appertaining thereto, but not including engines and propellers.

Airplane. An airplane is a power-driven fixed-wing aircraft, heavier than air, which is supported by the dynamic reaction of the air against its wings.

Airport. An airport is an area of land or water which is used, or intended for use, for the landing and takeoff of airplanes.

Alternate airport. An alternate airport is an approved airport to which a flight may proceed if a landing at the airport to which the flight was dispatched becomes inadvisable.

Appliances. Appliances are instruments, equipment, apparatus, parts, appurtenances, or accessories, of whatever description, which are used, or are capable of being or intended to be used, in the navigation, operation, or control of airplanes in flight (including communication equipment, electronic devices, and any other mechanism or mechanisms installed in or attached to airplanes during flight, but excluding parachutes), and which are not a part or parts of airframes, engines, or propellers.

Approved. Approved, when used alone or as modifying terms such as means, method, action, equipment, etc., means approved by the Administrator, or his authorized representative.

Authorized representative of the Administrator. An authorized representative of the Administrator is any employee of the Federal Aviation Agency authorized by the Administrator to perform particular duties of the Administrator under the provisions of this part.

Board. Board means the Civil Aeronautics Board.

Check airman. A check airman is an airman designated by the air carrier and approved by the Administrator to examine other airmen to determine their proficiency with respect to procedures and technique and their competence to perform their respective airman duties.

Crewmember. A crewmember is any individual assigned by an air carrier for the performance of duty on an airplane in flight.

Critical engine. The critical engine is that engine the failure of which gives the most adverse effect on the airplane flight characteristics relative to the case under consideration.

Critical-engine-failure speed, V_1 (transport category airplanes). The critical-engine-failure speed is the airplane speed used in the determination of the takeoff distance required at which the critical engine is assumed to fail. (See the pertinent airworthiness requirements for the manner in which such speed is determined.)

Director. Director means Director, Bureau of Flight Standards, Federal Aviation Agency, or his authorized representative.

Dispatch release. A dispatch release is an authorization issued by an air carrier specifying the conditions for the origination or continuance of a particular flight.

Effective length of runway—(1) *Takeoff.* The effective length of runway for takeoff as used in the takeoff operating limitations for nontransport category airplanes is the distance from the end of the runway at which the take off is started to the point at which the obstruction clearance plane associated with the other end of the runway intersects the centerline of the runway.

(2) *Landing.* The effective length of runway for landing as used in the landing operating limitations for both transport and nontransport category airplanes is the distance from the point at which the obstruction clearance plane associated with the approach end of the runway intersects the centerline of the runway to the far end thereof.

En route. En route means the entire flight from the point of origination to the point of termination, including intermediate stops.

Extended overwater operation. An extended overwater operation is an operation over water conducted at a distance in excess of 50 miles from the nearest shore line.

FAA. FAA means the Federal Aviation Agency.

Fireproof. Fireproof material means a material which will withstand heat equally well or better than steel in dimensions appropriate for the purpose for which it is to be used. When applied to material and parts used to confine fires in designated fire zones, fireproof means that the material or part will perform this function under the most severe conditions of fire and duration likely to occur in such zones.

Fire-resistant. When applied to sheet or structural members, fire-resistant material means a material which will withstand heat equally well or better than aluminum alloy in dimensions appropriate for the purpose for which it is to be used. When applied to fluid-carrying lines, this term refers to a line and fitting assembly which will perform its intended protective functions under the heat and other conditions likely to occur at the particular location.

Flame-resistant. Flame-resistant material means a material which will not support combustion to the point of propagating, beyond safe limits, a flame after the removal of the ignition source.

Flammable. Flammable fluids or gases mean those which will ignite readily or explode.

Flash-resistant. Flash-resistant material means material which will not burn violently when ignited.

Flight crewmember. A flight crewmember is a crewmember assigned to duty on an airplane as a pilot, flight navigator, or flight engineer.

Flight engineer. A flight engineer is an individual holding a valid flight engineer certificate issued by the Administrator and whose primary assigned duty during flight is to assist the pilots in the mechanical operation of an airplane.

Flight navigator. A flight navigator is an individual holding a valid flight navigator certificate issued by the Administrator and who is responsible to the pilot in command for the safe and efficient navigation of the airplane.

Flight time. Flight time is the time from the moment the airplane first moves under its own power for the purpose of flight until it comes to rest at the next point of landing (block-to-block time).

IFR. IFR is the symbol used to designate instrument flight rules.

ILS. ILS is the symbol used to designate instrument landing system.

Maximum certificated takeoff weight. Maximum certificated takeoff weight is the maximum takeoff weight prescribed by the terms of the airplane airworthiness certificate or the Airplane Flight Manual.

Minimum control speed. The minimum control speed is the minimum speed at which an airplane can be safely controlled in flight after an engine suddenly becomes inoperative. (See pertinent airworthiness requirements for the manner in which such speed is determined.)

Month. A month is that period of time extending from the first day of any month as delineated by the calendar through the last day thereof.

Night. Night is the time between the ending of evening civil twilight and the beginning of morning civil twilight as published in the American Air Almanac converted to local time for the locality concerned.

NOTE: The American Air Almanac containing the ending of evening twilight and the beginning of morning twilight tables may be obtained from the Superintendent of Documents, Government Printing Office, Washington 25, D.C. Information is also available concerning such tables in the Offices of the Federal Aviation Agency or the United States Weather Bureau.

Obstruction clearance area—(1) *Takeoff.* A takeoff obstruction clearance area as used in the takeoff operating limitations for nontransport category airplanes is an area on the earth's surface defined as follows: The centerline of the obstruction clearance area in plan view shall coincide with and prolong the centerline of the runway, beginning at the point where the obstruction clearance plane intersects the centerline of the runway and proceeding to a point not less than 1,500 feet from the beginning point. Thereafter the centerline shall proceed in a path consistent with the takeoff procedure for the runway or, where such a procedure has not been established, consistent with turns of at least 4,000-foot radius until a point is reached beyond which the obstruction clearance plane clears all obstructions. The obstruction clearance area shall extend laterally for a distance of 200 feet on each side of the centerline at the point where the obstruction clearance plane intersects the runway and shall continue at this width until the end of the runway; thence it shall increase uniformly to 500 feet on each side of the centerline at a point 1,500 feet from the intersection of the obstruction clearance plane with the runway; thereafter it shall extend laterally for a distance of 500 feet on each side of the centerline.

(2) *Landing.* A landing obstruction clearance area as used in the landing operating limitations for both transport and nontransport category airplanes is an area on the earth's surface defined as follows: The centerline of the obstruction clearance area in plan view shall coincide with and prolong the centerline of the runway, beginning at the point where the obstruction clearance plane intersects the centerline of the runway and proceeding to a point not less than 1,500 feet from the beginning point. Thereafter the centerline shall proceed in a path consistent with the instrument approach procedure for the runway or, where such a procedure has not been established, consistent with turns of at least 4,000-foot radius until a point is reached beyond which the obstruction clearance plane clears all obstructions. The obstruction clearance area shall extend laterally for a distance of 200 feet on each side of the centerline at the point where the obstruction clearance plane intersects the runway and shall continue at this width until the end of the runway; thence it shall increase uniformly to 500 feet on each side of the centerline at a point 1,500 feet from the intersection of the obstruction clearance plane with the runway; thereafter it shall extend laterally for a distance of 500 feet on each side of the centerline.

Obstruction clearance plane. An obstruction clearance plane is a plane which is tangent to or clears all obstructions within the obstruction clearance area and which slopes upward from the runway at a slope of 1:20 to the horizontal as shown in a profile view of the obstruction clearance area.

Operational control. Operational control is the exercise of authority over initiation, continuation, diversion, or termination of a flight.

Operations specifications. Operations specifications are rules of particular applicability issued by the Director to an air carrier pursuant to the provisions of this part.

Over-the-top. Over-the-top means the operation of an airplane above a layer of clouds or obscuring phenomena that is reported as "broken," "overcast," or "obscuration" and not classified as "thin" or "partial."

PAR. PAR is the symbol used to designate precision approach radar.

Pilot in command. The pilot in command is the pilot designated by the air carrier as the pilot responsible for the operation and safety of the airplane during the time defined as flight time.

Pilotage. Pilotage is navigation by means of visual reference to landmarks.

Point-of-no-return. Point-of-no-return means that point at which the airplane no longer has sufficient fuel under existing conditions to return to the point of departure or any alternate for that point.

Propeller. A propeller is an external device for propelling an airplane through the air, having blades mounted on a power-driven shaft, which when rotated produces by its action on the air a thrust approximately parallel to the longitudinal axis of the airplane.

Provisional airport. A provisional airport is an airport approved for use by an air carrier for the purpose of providing service to a community when the regular airport serving that community is not available.

Rating. A rating is an authorization issued with an airman certificate, and forming a part thereof, delineating special conditions, privileges, or limitations pertaining to such certificate.

Refueling airport. A refueling airport is an airport approved as an airport to which flights may be dispatched only for refueling.

Regular airport. A regular airport is an airport approved as a regular terminal or intermediate stop on an authorized route.

Route. A route is the airspace on either side of a course or courses joining those points on the surface of the earth between which an air carrier is authorized to conduct scheduled operations.

Route segment. A route segment is a portion of a route each terminus of which is identified by: (1) A continental or insular geographic location, or (2) a point at which a definite radio fix can be established.

Runway. A runway is a clearly defined area of an airport suitable for the safe landing or take-off of airplanes.

Second in command. Second in command means a pilot other than the pilot in command who is designated by the air carrier to act as second in command of an airplane.

Show. Show (or shows) means to demonstrate or prove to the satisfaction of the Administrator or his authorized representative prior to the issuance of the air carrier operating certificate and at any time thereafter upon request.

Synthetic trainer. A synthetic trainer is a device, the use of which is approved to simulate certain operating conditions.

Takeoff safety speed, V_2. The takeoff safety speed is the airplane speed used in the determination of the takeoff flight path at which the climb-out following takeoff can be safely executed with one engine inoperative and with the airplane in the takeoff configuration. (See the pertinent airworthiness requirements for the manner in which such speed is determined.)

Time in service. Time in service, as used in computing maintenance time records, is the time from the moment an airplane leaves the ground until it touches the ground at the end of a flight.

Transport category airplane. A transport category airplane is an airplane which has been type certificated in accordance with the requirements of Part 4b of this subchapter or the transport category requirements of Part 4a of this subchapter.

Type. With regard to airman qualifications, type means all airplanes of the same basic design, including all modifications thereto except those modifications which the Administrator has found result in a substantial change in characteristics pertinent to the airman concerned.

VFR. VFR is the symbol used to designate visual flight rules.

V_{s_0}. V_{s_0} is the symbol used to designate the true indicated stalling speed or the minimum steady flight speed in the landing configuration.

Week. A week is that period of time extending from the first day of any week as delineated by the calendar through the last day thereof.

Year. A year is that period of time extending from the first day of any year as delineated by the calendar through the last day thereof.

CERTIFICATION RULES AND OPERATIONS SPECIFICATIONS REQUIREMENTS

§ 41.10 Certificate required.

No person subject to this part shall conduct operations without, or in violation of the terms of, an air carrier operating certificate issued by the Director.

NOTE: Applications, and instructions for the preparation thereof, for the issuance or amendment of air carrier operating certificates may be obtained from any FAA Air Carrier Safety District Office.

§ 41.13 Issuance of certificate.

(a) An air carrier operating certificate will be issued to an applicant having a certificate of public convenience and necessity or other appropriate economic authority issued by the Board when after investigation it is found that such applicant is properly and adequately equipped and able to conduct a safe operation in accordance with the requirements of this part and with the operations specifications provided for in this part.

NOTE: Certificates currently in force on the effective date of this part will be deemed to be certificates issued under this part.

(b) Whenever, upon investigation, the Director finds that the general standards of safety required for air carrier operations within Alaska, or for air carrier operations conducted pursuant to a temporary authorization issued under Title IV of the Federal Aviation Act of 1958, require or permit a deviation from any specific requirement of this part for a particular operation or class of operations for which an application for an air carrier operating certificate has been made, he may issue operations specifications prescribing requirements which deviate from the requirements of this part.

(c) An air carrier holding economic authority to engage in scheduled cargo-only operations between any of the places specified in § 41.1 (a) or (b) may, upon application, be authorized by the Director to conduct such operations in accordance with the air carrier certification and operation rules prescribed in Part 42 of this chapter (Civil Air Regulations).

§ 41.15 Display of certificate and operations specifications.

The air carrier operating certificate and operations specifications shall be available at the principal operations office of an air carrier for inspection by an authorized representative of the Administrator.

§ 41.16 Duration of certificate.

An air carrier operating certificate shall remain in effect until termination of the certificate of public convenience and necessity or other economic authorization issued by the Board to the air carrier, or until such operating certificate is surrendered, suspended, revoked, or otherwise terminated by the Administrator. After suspension or revocation it shall be returned to the Director.

§ 41.18 Operations specifications required.

(a) On and after the effective date of this part, all air carrier operations specications currently in force relating to operations subject to the provisions of this part shall cease to be a part of any air carrier operating certificate and shall be deemed to be operations specifications issued under this part. Thereafter new or amended specifications may be issued by the Director for operations subject to this part. Applications for amendments of operations specifications shall be submitted to the local FAA Air Carrier Safety District Office charged with the overall inspection of the air carrier's operations at least 15 days prior to the proposed effective dates of such amendments, unless an authorized representative of such office approves a shorter filing period.

(b) No person shall engage in or conduct any operations to which this part is applicable without, or in violation of, currently effective operations specifications issued under this part.

NOTE: Forms for initial applications for operations specifications will be furnished upon request by any FAA Air Carrier Safety District Office.

§ 41.19 Contents of operations specifications.

The operations specifications will contain the following:

(a) Types of operations authorized;

(b) Types of airplanes authorized for use;

(c) En route authorizations and limitations;

(d) Airport authorizations and limitations;

(e) Time limitation for overhauls, inspections, and checks of airframes, engines, propellers, and appliances, or standards by which such time limitations shall be determined;

(f) Procedures used to maintain control of weight and balance of airplanes;

(g) Interline equipment interchange requirements, if pertinent;

(h) A current list of all airplanes being operated by the air carrier in accordance with its operating certificate, showing the registration number, manufacturer's model, serial number, configuration including the maximum number of authorized passenger and crew seats, and whether the airplane is used in passenger or cargo operations or both, and, if the airplane is not owned by the air carrier, the name of the lessor: *Provided,* That airplanes owned by or under lease to another air carrier and being operated under an interchange agreement need not be listed if the operations specifications incorporate a reference to the agreement and to the operations specifications of such other air carrier in which the airplanes are listed; and

(i) Such additional items as the Director determines, under the enabling provisions of this part, are necessary to cover a particular situation.

§ 41.20 Utilization of operations specifications.

The air carrier shall keep its personnel informed with respect to the contents of the operations specifications and all amendments thereto applicable to the individual's duties and responsibilities. A set of specifications shall be maintained by the air carrier as a separate and complete document. Pertinent excerpts from the specifications or references thereto shall be inserted in the manual issued by the air carrier in such a manner that they do not lose their identity in any respect.

§ 41.21 Amendment of operations specifications.

Any operations specifications may be amended by the Director if he finds that safety in air transportation so requires or permits. Except in the case of an emergency requiring immediate action in respect to safety in air transportation or upon consent of the air carrier concerned, no amendment will become effective prior to thirty days after the date the air carrier has been notified of such amendment.

§ 41.22 Inspection authority.

An authorized representative of the Administrator shall be permitted at any time and place to make inspections or examinations to determine an air carrier's compliance with the requirements of the Federal Aviation Act of 1958, the Civil Air Regulations, the provisions of the air carrier's operating certificate, and the operations specifications.

§ 41.23 Operations and maintenance base and office.

Each air carrier shall, 30 days in advance of a change in the address of its principal business office, its principal operations base, or its principal maintenance base, give written notice thereof to the FAA Air Carrier Safety District Office charged with overall inspection of the air carrier's operations.

REQUIREMENTS FOR APPROVAL OF ROUTES

§ 41.30 General route requirements.

The air carrier shall show for route approvals that it is competent to conduct scheduled operations over any route or route segment to be used between any regular, provisional, or refueling airport, that the facilities and services required by §§ 41.33 through 41.38 are available and adequate for the type of operation proposed, and, for routes outside of controlled airspace, that traffic density does not constitute a hazard. Actual flight over a route or route segment will be required, unless the air carrier shows that such flight is not essential to safety, considering the availability and adequacy of airports, lighting, maintenance, communication, navigation, fueling, ground and aircraft radio facilities, and the competence of personnel to be used in the proposed operation.

§ 41.32 Width of routes.

Routes approved for operations over U.S. Federal airways or foreign airways or advisory routes (ADR's) shall have a width equal to the designated width of such airways or advisory routes. All other approved routes shall have widths specified in the air carrier's operations specifications which the carrier shows will permit a safe operation, considering terrain clearance and minimum en route altitudes, available ground and airborne navigational aids, procedures, systems and equipment, air traffic density, and air traffic control procedures.

§ 41.33 Airports.

The air carrier shall show that each regular, provisional, refueling, and alternate airport on each route is properly equipped and adequate for the type of operations to be conducted. Consideration shall be given to items such as size, surface, obstructions, facilities, public protection, lighting, navigational and communications aids, and traffic control.

NOTE: Criteria to be used are contained in appropriate Technical Standard Orders published by the FAA.

§ 41.34 Communications facilities.

The air carrier shall show that a two-way air/ground radio communication system is available at such points as will insure reliable and rapid communications under normal operating conditions over the entire route, either direct or via approved point-to-point circuits, between airplanes and the appropriate dispatch office, and between airplanes and the appropriate air traffic control unit: *Provided,* That for operations within the continental limits of the United States (excluding Alaska) such communication systems between airplanes and the appropriate dispatch office shall be independent of systems operated by the Federal Government.

§ 41.35 Weather reporting facilities.

The air carrier shall show that sufficient weather reporting services are available along the route to insure weather reports and forecasts necessary for the operation. Weather reports used to control flight movements shall be those prepared and released by the U.S. Weather Bureau, or by a source approved by the Weather Bureau, or, in foreign operations when such observations are not available, by a source found by the Director to be satisfactory. Forecasts used to control flight movements shall be prepared from such weather reports.

§ 41.36 En route navigational facilities.

The air carrier shall show that nonvisual ground aids to air navigation are available along each route, that they are so located as to permit navigation to any regular, provisional, refueling, or alternate airport within the degree of accuracy necessary for the operation involved, and that they are available for the navigation of airplanes within the degree of accuracy required for air traffic control: *Provided,* That nonvisual ground aids to navigation are not required: (a)

For day VFR operations which the air carrier shows can be conducted safely by pilotage because of the characteristics of the terrain, or for night VFR operations on routes which the air carrier shows have reliably lighted landmarks which are adequate for safe operations; or (b) on segments of routes where the use of celestial or other specialized means of navigation is approved.

NOTE: Nonvisual ground navigational aids required for approval of routes outside of controlled airspace will be specified in the air carrier operations specifications.

§ 41.37 Servicing and maintenance facilities.

The air carrier shall show that competent personnel and adequate facilities and equipment, including spare parts, supplies, and materials, are available at such points along the air carrier's routes as are necessary for the proper servicing, maintenance, repair, and inspection of airplanes and auxiliary equipment.

§ 41.38 Location of dispatch centers.

The air carrier shall show that it has a sufficient number of dispatch centers adequate for the operations to be conducted and located at such points as are necessary to insure the proper operational control of each flight.

MANUAL REQUIREMENTS

§ 41.50 Preparation of Air Carrier Manual.

The air carrier shall prepare and keep current a manual for the use and guidance of flight and ground operations personnel in the conduct of its operations.

§ 41.51 Contents of Air Carrier Manual.

(a) The manual shall contain instructions, information, and data necessary for the personnel concerned to carry out their duties and responsibilities with a high degree of safety. It shall be in a form to facilitate easy revision, and each page shall bear the date of the last revision thereof. The contents of such manual shall not be contrary to the provisions of any Federal regulations, foreign regulations where applicable, operations specifications, or the operating certificate. The manual may be in two or more separate parts, encompassing together all of the information listed below (e.g., flight operations, ground operations, maintenance, communications, etc.) to facilitate use by the personnel concerned, but each part shall contain that portion of the information listed below as is appropriate for each group of personnel:

(1) General policies;

(2) Duties and responsibilities of each crewmember and appropriate members of the ground organization;

(3) Reference to appropriate regulations prescribed by the Federal Aviation Agency;

(4) Flight dispatching and control, including procedures for coordinated dispatch;

(5) En route flight, navigational, and communication procedures, including procedures for the dispatch or continuance of flight, if any item of equipment required for the particular type of operation becomes inoperative or unserviceable en route;

(6) Appropriate information from the en route operations specifications, including for each approved route the types of airplanes authorized, their crew complement, the type of operation (i.e., VFR, IFR, day, night) and other pertinent information;

(7) Appropriate information from the airport operations specifications, including for each airport its location, its designation (i.e., regular, alternate, provisional, etc.), types of airplanes authorized, instrument approach procedures, landing and takeoff minimums, and other pertinent information;

(8) Takeoff, en route, and landing weight limitations;

(9) Procedures for familiarizing passengers with the use of emergency equipment during flight;

(10) Emergency procedures and equipment;

(11) The method of designating succession of command of flight crewmembers;

(12) Procedures for determining the usability of landing and takeoff areas and for dissemination of pertinent information to operations personnel;

(13) Procedures for operation during periods of icing, hail, thunderstorms, turbulence, or any potentially hazardous meteorological conditions;

(14) Airman training programs, including appropriate ground, flight, and emergency phases;

(15) Instructions and procedures for maintenance, repair, overhaul, and servicing;

(16) Time limitations for overhaul, inspection, and checks, of airframes, engines, propellers and appliances, or standards by which such time limitations shall be determined;

(17) Procedures for refueling airplanes, elimination of fuel contamination, protection from fire including electrostatic protection, and the supervision and protection of passengers during refueling;

(18) Inspections for airworthiness, including instructions covering procedures, standards, responsibilities, and authority of the inspection personnel;

(19) Methods and procedures for maintaining the airplane weight and center of gravity within approved limits;

(20) Pilot and dispatcher route and airport qualification procedures;

(21) Accident notification procedures; and

(22) Other data or instructions related to safety.

(b) At least one complete master copy of the manual containing all parts thereof shall be retained at the appropriate operations base of the air carrier.

§ 41.52 Distribution of Air Carrier Manual.

(a) Copies of the entire manual, or appropriate portions thereof, together with revisions thereto, shall be furnished by the Air Carrier to the following:

(1) Appropriate ground operations and maintenance personnel of the air carrier;

(2) Crewmembers; and

(3) Authorized representatives of the Administrator assigned to the air carrier.

(b) All copies of the manual shall be kept up to date.

§ 41.53 Airplane Flight Manual.

(a) The air carrier shall keep current an approved Airplane Flight Manual for each type of transport category airplane which it operates.

(b) An approved Airplane Flight Manual or a manual complying with § 41.50 and containing information required for the Airplane Flight Manual shall be carried in each transport category airplane. When sections of the required information from the Airplane Flight Manual are incorporated in the Air Carrier Manual, they shall be clearly identified as Airplane Flight Manual requirement.

AIRPLANE REQUIREMENTS

§ 41.60 General.

Airplanes shall be identified, certificated, and equipped in accordance with the applicable airworthiness requirements of the Civil Air Regulations. No air carrier shall operate any airplane in scheduled, charter, or special service operations unless such airplane meets the requirements of this part, is in an airworthy condition, is registered as a civil aircraft of the United States and carries an appropriate and currently effective certificate of airworthiness issued by the Administrator. In determining compliance with the applicable airworthiness requirements and operating limitations, an approved weight and balance control system based upon average, assumed, or estimated weights may be utilized.

§ 41.61 Airplane certification requirements.

(a) *Airplanes certificated on or before June 30, 1942.* Airplanes certificated as a basic type on or before June 30, 1942, shall either:

(1) Retain their present airworthiness certification status and meet the requirements of § 41.90, or

(2) Comply with either the performance requirements of §§ 4a.737–T through 4a.750–T of this chapter (Civil Air Regulations) or the performance requirements of §§ 4b.110 through 4b.125 of this chapter (Civil Air Regulations) and in addition shall meet the requirements of § 41.70: *Provided,* That should any type be so qualified, all airplanes of any one operator of the same or related types shall be similarly qualified and operated.

(b) *Airplanes certificated after June 30, 1942.* Airplanes certificated as a basic type after June 30, 1942, and used in passenger-carrying operations shall be certificated as transport category airplanes and shall meet the requirements of § 41.70.

§ 41.62 Airplane limitation for type of route.

All airplanes used in passenger-carrying operations shall be multiengine airplanes and shall comply with the following requirements:

(a) *Two- or three-engine airplanes.* Two- or three-engine airplanes shall not be used in passenger-carrying operations unless adequate airports are so located along the route that the airplanes will at no time be at a greater distance therefrom than one hour of flying time in still air at normal cruising speed with one engine inoperative: *Provided,* That the Director may specify distances greater or less than those set forth herein when the character of the terrain, the type of operation, or the performance of the airplanes to be used so permit or require.

(b) *Land airplanes on extended overwater routes.* Land airplanes operated on flights involving extended overwater operations shall be certificated or approved as adequate for ditching in accordance with the ditching provisions of Part 4b of this chapter (Civil Air Regulations): *Provided,* That the DC-3 and C-46 type airplanes need not be so certificated or approved.

§ 41.63 Proving tests.

(a) A type of airplane not previously proved for use in scheduled operation shall have at least 100 hours of proving tests, in addition to the airplane certification tests, accomplished under the supervision of an authorized representative of the Director. As part of the 100-hour total at least 50 hours shall be flown over authorized routes and at least 10 hours shall be flown at night.

(b) A type of airplane which has been previously proved shall be tested for at least 50 hours, of which at least 25 hours shall be flown over authorized routes, unless deviations are specifically authorized by the Director on the ground that the special circumstances of a particular case make a literal observance of the requirements of this paragraph unnecessary for safety, when the airplane:

(1) Is materially altered in design,[1] or

(2) Is to be used by an air carrier who has not previously proved such a type.

(c) During proving tests only those persons required to make the tests and those designated by the Board or the Administrator shall be carried. Mail, express, and other cargo may be carried when approved.

AIRPLANE PERFORMANCE OPERATING LIMITATIONS: TRANSPORT CATEGORY

§ 41.70 Transport category airplane operating limitations.

(a) In operating any transport category airplane not subject to (b) of this section, the provisions of this paragraph and §§ 41.71 through 41.78 shall be complied with: *Provided,* That the Director may, upon application, authorize deviations from such provisions when special circumstances of a particular case make a literal observance of the requirements unnecessary for safety. Deviations authorized will be specified in operations specifications of the air carrier.

(1) The performance data contained in the Airplane Flight Manual shall be applied in determining compliance with these provisions. Where conditions differ from those for which specific tests were made, compliance shall be determined by interpolation or by computation of the effects of changes in the specific variables where such interpolations or computations will give results substantially equaling in accuracy the results of a direct test.

(2) The airplane shall not be taken off at a weight which exceeds the allowable weight for the runway being used as determined in accordance with the takeoff runway limitation of the transport category operating rules of this part, after taking into account the temperature operating correction factors required by §§ 4a.749a–T or 4b.117 of this subchapter, and set forth in the Airplane Flight Manual for the airplane.

(b) In operating any turbine-powered transport category airplane certificated in accordance with the performance requirements of Special Civil Air Regulations Nos. SR–422, SR–422A, or SR–422B, the operating rules specified in the applicable Special Civil Air Regulation shall be complied with in lieu of §§ 41.71 through 41.78.

§ 41.71 Weight limitations.

(a) No airplane shall be taken off from any airport located at an elevation outside of the altitude range from which maximum takeoff weights have been determined, and no airplane shall depart for an airport of intended destination or have any airport specified as an alternate which is located at an elevation outside of the altitude range for which maximum landing weights have been determined.

(b) The weight of the airplane at takeoff shall not exceed the authorized maximum takeoff weight for the elevation of the airport from which the takeoff is to be made.

(c) The weight at takeoff shall be such that, allowing for normal consumption of fuel and oil in flight to the airport of intended destination, the weight on arrival will not exceed the authorized maximum landing weight for the elevation of such airport.

§ 41.72 Takeoff limitations to provide for engine failure.

No takeoff shall be made except under conditions which will permit compliance with the following requirements:

(a) It shall be possible, from any point in the takeoff up to the time of attaining the critical-engine-failure speed, to bring the airplane to a safe stop on the runway as shown by the accelerate-stop distance data.

(b) It shall be possible, if the critical engine should fail at any instant after the airplane attains the critical-engine-failure speed, to proceed with the takeoff and attain a height of 50 feet, as indicated by the takeoff path data, before passing over the end of the runway. Thereafter it shall be possible to clear all obstacles, either by at least 50 feet vertically, as shown by the takeoff path data, or by at least 200 feet horizontally within the airport boundaries and by at least 300 feet horizontally after passing beyond such boundaries. In determining the allowable deviation of the flight path in order to avoid obstacles by at least the distances above set forth, it shall be assumed that the airplane is not banked before reaching a height of 50 feet, as shown by the takeoff path data, and that a maximum bank thereafter does not exceed 15°.

(c) In applying the requirements of paragraphs (a) and (b) of this section, corrections shall be made for any gradient of the takeoff surface. To allow for wind effect, takeoff data based on still air may be corrected by not more than 50 percent of the reported wind component along the takeoff path if opposite to the direction of takeoff, and shall be corrected by not less than 150 percent of the reported wind component if in the direction of takeoff.

§ 41.73 En route limitations; all engines operating.

No airplane shall be taken off at a weight in excess of that which would permit a rate of climb (expressed in feet per minute), with all engines operating, of at least 6 V_{s_0} (when V_{s_0} is expressed in miles per hour) at an altitude of at least 1,000 feet above the elevation of the highest ground or obstruction within 10 miles on either side of the intended track. Transport category airplanes certificated under Part 4a of this subchapter are not required to comply with this section. For the purpose of this section it shall be assumed that the weight of the airplane as it proceeds along its intended track is progressively reduced by normal consumption of fuel and oil.

§ 41.74 En route limitations; one engine inoperative.

(a) No airplane shall be taken off at a weight in excess of that which would permit a rate of climb (expressed in feet per minute), with one engine inoperative, of at least $\left(0.06-\frac{0.08}{N}\right)V_{s_0}^2$ (when N is the number of engines installed and V_{s_0} is expressed in miles per hour) at an altitude of at least 1,000 feet above the elevation of the highest ground or obstruction within 10 miles on either side of the intended track, except that for transport category airplanes certificated under Part 4a of the Civil Air Regulations, the rate of climb shall be 0.02 $V_{s_0}^2$.

(b) As an alternative to the provisions of paragraph (a) of this section, an air carrier may utilize an approved procedure whereby its airplanes are operated at an all-engines-operating altitude such that in the event of an engine failure the airplane can continue flight to an alternate airport where a landing can be made in accordance with the provisions of § 41.78, the flight path clearing all terrain and obstructions along the route within 5 miles on either side of the intended track by at least 2,000 feet. In addition, if such a procedure is utilized, subparagraphs (1) through (6) of this paragraph shall be complied with:

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[1] A type of airplane will be considered to be materially altered in design when the alterations include, but are not necessarily limited to: (a) Installation of powerplants other than the powerplants of a type similar to those with which the aircraft is certificated; (b) major alteration to the aircraft or its components which materially affects the flight characteristics.

(1) The rate of climb (as presented in the Airplane Flight Manual for the appropriate weight and altitude) used in calculating the airplane's flight path shall be diminished by an amount, in feet per minute, equal to $\left(0.06-\frac{0.08}{N}\right)V_{s_0}^2$ (when N is the number of engines installed and V_{s_0} is expressed in miles per hour) for airplanes certificated under Part 4b of this chapter (Civil Air Regulations) and by $0.02\ V_{s_0}^2$ for airplanes certificated under Part 4a of this chapter (Civil Air Regulations).

(2) The all-engines-operating altitude shall be such that, in the event the critical engine becomes inoperative at any point along the route, the flight will be capable of proceeding to a predetermined alternate airport by use of this procedure. For the purpose of determining the takeoff weight, the airplane shall be assumed to pass over the critical obstruction following engine failure at a point no closer to the critical obstruction than the nearest approved radio navigational fix: *Provided,* That a procedure established on a different basis will be approved if the air carrier shows that adequate operational safeguards exist.

(3) The airplane shall meet the provisions of paragraph (a) of this section at 1,000 feet above the airport used as an alternate in this procedure.

(4) The procedure shall include an approved method of accounting for winds and temperatures which would otherwise adversely affect the flight path.

(5) In complying with this procedure fuel jettisoning will be approved if the air carrier shows that it has an adequate training program, proper instructions are given to the flight crew, and all other precautions are taken to insure a safe procedure.

(6) The alternate airport shall be specified in the dispatch release and shall meet the provisions of § 41.390.

(c) For the purposes of this section it shall be assumed that the weight of the airplane as it proceeds along its intended track is progressively reduced by normal consumption of fuel and oil.

§ 41.75 En route limitations; two engines inoperative.

The provisions of this section shall apply only to airplanes certificated in accordance with the performance requirements of Part 4b of this chapter (Civil Air Regulations). No airplane having four or more engines shall be flown along an intended track except under the conditions of either paragraph (a) or (b) of this section.

(a) No place along the intended track shall be more than 90 minutes away from an available landing area at which a landing can be made in accordance with the requirements of § 41.78, assuming all engines to be operating at cruising power.

(b) The takeoff weight shall not be greater than that which would permit the airplane, with the two critical engines inoperative, to have a rate of climb in feet per minute equal to $0.01\ V_{s_0}^2$ (V_{s_0} being expressed in miles per hour) along all points of the route, from the point where the two engines are assumed to fail simultaneously to the landing area, either at an altitude of 1,000 feet above the elevation of the highest ground or obstruction within 10 miles on either side of the intended track or at an altitude of 5,000 feet, whichever is higher. The point where the two engines are assumed to fail shall be that point along the route which is most critical with respect to the takeoff weight. In showing compliance with this prescribed rate of climb, the following shall apply:

(1) It shall be permissible to consider that the weight of the airplane as it proceeds along its intended track is progressively reduced by normal consumption of fuel and oil with all engines operating up to the point where the two engines are assumed to fail and with two engines operating beyond that point.

(2) Where the engines are assumed to fail at an altitude above the prescribed minimum altitude, compliance with the prescribed rate of climb at the prescribed minimum altitude need not be shown during the descent from the cruising altitude to the prescribed minimum altitude if, at the end of the descent and during the subsequent portion of the flight, the prescribed rate of climb is met at the prescribed minimum altitudes. The descent shall be assumed to be along a net flight path and the rate of descent for the appropriate weight and altitude shall be assumed to be $0.01\ V_{s_0}^2$ greater than indicated by the performance information approved by the Administrator.

(3) If fuel jettisoning is provided, the airplane's weight at the point where the two engines are assumed to fail shall be considered to be not less than that which would include sufficient fuel to proceed to an available landing area at which a landing can be made in accordance with the requirements of § 41.78 and to arrive there at an altitude of at least 1,000 feet directly over the landing area.

§ 41.76 Special en route limitations.

The 10-mile lateral distance specified in §§ 41.73 through 41.75 may, for a distance of no more than 20 miles, be reduced to 5 miles, if operating VFR, or if air navigational facilities are so located as to provide a reliable and accurate identification of any high ground or obstruction located outside of such 5-mile lateral distance but within the 10-mile distance.

§ 41.77 Landing distance limitations; airport of destination.

No airplane shall be taken off at a weight in excess of that which, under the conditions stated in this part, would permit the airplane to be brought to rest at the field of intended destination within 60 percent of the effective length of the runway from a point 50 feet directly above the intersection of the obstruction clearance plane and the runway. For the purpose of this section it shall be assumed that the takeoff weight of the airplane is reduced by the weight of the fuel and oil expected to be consumed in flights to the field of intended destination.

(a) It shall be assumed that the airplane is landed on the most favorable runway and direction in still air.

(b) It shall be assumed, considering the probable wind velocity and direction, that the airplane is landed on the most suitable runway, taking due account of the ground handling characteristics of the airplane type involved and other conditions (e.g., landing aids, terrain, etc.) and allowing for the effect on the landing path and roll of not more than 50 percent of the wind component along the landing path if opposite to the direction of landing, or not less than 150 percent of the wind component if in the direction of landing.

(c) If the airport of intended destination will not permit full compliance with paragraph (b) of this section, the airplane may be taken off if an alternate airport is designated which permits compliance with § 41.78.

§ 41.78 Landing distance limitations; alternate airports.

No airport shall be designated as an alternate airport in a dispatch release unless the airplane at the weight anticipated at the time of arrival at such airport can comply with the requirements of § 41.77: *Provided,* That the airplane can be brought to rest within 70 percent of the effective length of the runway.

AIRPLANE PERFORMANCE OPERATING LIMITATIONS; NONTRANSPORT CATEGORY

§ 41.90 Nontransport category airplane operating limitations.

In operating any large, nontransport category airplane, the provisions of §§ 41.91 through 41.94 shall be complied with: *Provided,* That the Director may, upon application, authorize deviations from such provisions when the special circumstances of a particular case make a literal observance of the requirements unnecessary for safety. Deviations authorized will be specified in operations specifications of the air carrier. Approved performance data only shall be used in determining compliance with the provisions of §§ 41.91 through 41.94.

§ 41.91 Takeoff limitations.

No takeoff shall be made at a weight in excess of that which will permit the airplane to be brought to a safe stop within the effective length of the runway from any point during the takeoff up to the time of attaining 105 percent of minimum control speed or 115 percent of the power-off stalling speed in the takeoff configuration, whichever is the greater. In applying the requirements of this section:

(a) It may be assumed that takeoff power is used on all engines during the acceleration;

(b) Account may be taken of not more than 50 percent of the reported wind component along the takeoff path if opposite to the direction of takeoff, and account shall be taken of not less than 150 percent of the reported wind component if in the direction of the takeoff;

(c) Account shall be taken of the average runway gradient when the average gradient is greater than ½ percent. The average runway gradient is the difference between the elevations of the end points of the runway divided by the total length.

(d) It shall be assumed that the airplane is operating in the standard atmosphere.

§ 41.92 En route limitations; one engine inoperative.

(a) No takeoff shall be made at a weight in excess of that which will permit the airplane to climb at a rate of at least 50 feet per minute with the critical engine inoperative at an altitude of at least 1,000 feet above the elevation of the highest obstacle within 5 miles on either side of the intended track or at an altitude of 5,000 feet, whichever is the higher: *Provided,* That in the alternative an air carrier may utilize a procedure whereby the airplane is operated at an altitude such that, in event of an engine failure, the airplane can clear the obstacles within 5 miles on either side of the intended track by 1,000 feet, if the air carrier shows that such a procedure can be used without impairing the safety of operation. If such a procedure is utilized, the rate of descent for the appropriate weight and altitude shall be assumed to be 50 feet per minute greater than indicated by the approved performance data. Before approving such a procedure, there will be taken into account, for the particular route, route segment, or areas concerned, the reliability of wind and weather forecasting, the location and types of aids to navigation, the prevailing weather conditions, particularly the frequency and amount of turbulence normally encountered, terrain features, air traffic control problems, and all other operational factors which affect the safety of an operation utilizing such a procedure.

(b) In applying the requirements of paragraph (a) of this section, it shall be assumed that:

(1) The critical engine is inoperative;

(2) The propeller of the inoperative engine is in the minimum drag position;

(3) The wing flaps and landing gear are in the most favorable positions;

(4) The operative engine or engines are operating at the maximum continuous power available;

(5) The airplane is operating in the standard atmosphere; and

(6) The weight of the airplane is progressively reduced by the weight of the anticipated consumption of fuel and oil.

§ 41.93 Landing distance limitations; airport of intended destination.

No takeoff shall be made at a weight in excess of that which, allowing for the anticipated weight reduction due to consumption of fuel and oil, will permit the airplane to be brought to a stop within 60 percent of the effective length of the most suitable runway at the airport of intended destination.

(a) This weight shall in no instance be greater than that permissible if the landing were to be made:

(1) On the runway with the greatest effective length in still air, and

(2) On the runway required by the probable wind, taking into account not more than 50 percent of the probable headwind component and not less than 150 percent of the probable tailwind component.

(b) In applying the requirements of this section it shall be assumed that:

(1) The airplane passes directly over the intersection of the obstruction clearance plane and the runway at a height of 50 feet in a steady gliding approach at a true indicated air speed of at least 1.3 V_{s_0};

(2) The landing is made in such a manner that it does not require any exceptional degree of skill on the part of the pilot; and

(3) The airplane is operating in the standard atmosphere.

§ 41.94 Landing distance limitations; alternate airports.

No airport shall be designated as an alternate airport in a dispatch release unless the airplane at the weight anticipated at the time of arrival at such airport can comply with the requirements of § 41.93: *Provided,* That the airplane can be brought to rest within 70 percent of the effective length of the runway.

SPECIAL AIRWORTHINESS REQUIREMENTS

§ 41.110 Fire prevention; passenger airplanes.

All airplanes used in passenger service, powered by engines rated at more than 600 horsepower each for maximum continuous operation and which have not been certificated in accordance with the provisions of Part 4b of this subchapter in effect on or after November 1, 1946, shall comply with the requirements contained in §§ 41.112 through 41.143: *Provided,* That if the Director finds that in particular models of existing airplanes literal compliance with specific items of these requirements might be extremely difficult of accomplishment and that such compliance would not contribute materially to the objective sought, he may accept such measures of compliance as he finds will effectively accomplish the basic objectives of the regulations in this part.

§ 41.111 Fire prevention; cargo airplanes.

All airplanes used in cargo-only service shall comply with the requirements contained in §§ 41.112, 41.113, 41.114, 41.115 (a), (b), (c), (d) or (e), and 41.116.

§ 41.112 Cabin interiors.

All compartments occupied or used by the crew or passengers shall comply with the following provisions:

(a) Materials shall in no case be less than flash-resistant.

(b) The wall and ceiling linings, the covering of all upholstering, floors, and furnishings shall be flame-resistant.

(c) Compartments where smoking is to be permitted shall be equipped with ash trays of the self-contained type which are completely removable. All other compartments shall be placarded against smoking.

(d) All receptacles for used towels, papers, and wastes shall be of fire-resistant material and shall incorporate covers or other provisions for containing possible fires started in the receptacles.

§ 41.113 Internal doors.

Where internal doors are equipped with louvres or other ventilating means, provision convenient to the crew shall be made for closing the flow of air through the door when such action is found necessary.

§ 41.114 Ventilation.

All passenger and crew compartments shall be suitably ventilated. Carbon monoxide concentration shall not exceed one part in 20,000 parts of air, and fuel fumes shall not be present. Where partitions between compartments are equipped with louvres or other means allowing air to flow between such compartments, provision convenient to the crew shall be made for closing the flow of air through the louvres or other means when such action is found necessary.

§ 41.115 Fire precautions.

Each compartment shall be designed so that, when used for the purpose of storing cargo or baggage, it shall comply with all of the requirements prescribed for cargo or baggage compartments. It shall include no controls, wiring, lines, equipment, or accessories the damage or failure of which would affect the safe operation of the airplane, unless such item is adequately shielded, isolated, or otherwise protected so that it cannot be damaged by movement of cargo in the compartment, and so that any breakage or failure of such item would not create a fire hazard in the compartment. Provision shall be made to prevent cargo or baggage from interfering with the functioning of the fire-protective features of the compartment. All materials used in the construction of cargo or baggage compartments, including tie-down equipment, shall be flame-resistant or better. In addition, all cargo and baggage compartments shall include provisions for safeguarding against fires according to the following classifications:

(a) *Class A.* Cargo and baggage compartments shall be classified in the "A" category if presence of a possible fire therein can be readily discernible to a member of the crew while at his station, and if all parts of the compartment are easily accessible in flight. A hand fire extinguisher shall be available for such compartment.

(b) *Class B.* Cargo and baggage compartments shall be classified in the "B" category if sufficient access is provided while in flight to enable a member of the crew to reach effectively all parts of the compartment and its contents with a hand fire extinguisher. Furthermore, the design of the compartment shall be such that, when the access provisions are being used, no hazardous quantity of smoke, flames, or extinguishing agent will enter any compartment occupied by the crew or passengers. Each compartment in this category shall be equipped with a separate system of an approved type of smoke detector or fire detector to give warning at the pilot or flight engineer station. Hand fire extinguishers shall be readily available for use in all compartments of this category. Compartments in this category shall be completely lined with fire-resistant material, except that additional service lining of flame-resistant material may be employed.

(c) *Class C.* Cargo and baggage compartments shall be classified in the "C" category if they do not conform with the requirements for the "A" or "B" categories. Each compartment of the "C" category shall be equipped with: (1) A separate system of an approved type smoke detector or fire detector to give warning at the pilot or flight engineer station, and (2) an approved built-in fire-extinguishing system controlled from the pilot or flight engineer station. Means shall be provided to exclude hazardous quantities of smoke, flames, or extinguishing agent from entering into any compartment occupied by the crew or passengers. Ventilation and drafts shall be further controlled within each such cargo or baggage compartment to the extent that the extinguishing agent provided can control any fire which may start within the compartment. All cargo and baggage compartments of this category shall be completely lined with fire-resistant material, except that additional service lining of flame-resistant material may be employed.

(d) *Class D.* Cargo and baggage compartments shall be classified in the "D" category if they are so designed and constructed that a fire occurring therein will be completely confined without endangering the safety of the airplane or the occupants. Compliance shall be shown with the following:

(1) Means shall be provided to exclude hazardous quantities of smoke, flames, or other noxious gases from entering into any compartment occupied by the crew or passengers.

(2) Ventilation and drafts shall be controlled within each compartment so that any fire likely to occur in the compartment will not progress beyond safe limits.

NOTE: For compartments having a volume not in excess of 500 cubic feet, an airflow of not more than 1,500 cubic feet per hour is considered acceptable. For larger compartments lesser airflow may be applicable.

(3) The compartment shall be completely lined with fire-resistant material.

(4) Consideration shall be given to the effect of heat within the compartment on adjacent critical parts of the airplane.

(e) *Class E.* On airplanes used for the carriage of cargo only it shall be acceptable to classify the cabin area as a Class "E" compartment. Compliance shall be shown with the following:

(1) The compartment shall be completely lined with fire-resistant material.

(2) The compartment shall be equipped with a separate system of an approved type smoke or fire detector to give warning at the pilot or flight engineer station.

(3) Means shall be provided to shut off the ventilating airflow to or within the compartment. Controls for such means shall be accessible to the flight crew in the crew compartment.

(4) Means shall be provided to exclude hazardous quantities of smoke, flames, or noxious gases from entering the flight crew compartment.

(5) Required crew emergency exits shall remain accessible under all cargo loading conditions.

§ 41.116 Proof of compliance.

Compliance with those provisions of § 41.115 which refer to compartment accessibility, the entry of hazardous quantities of smoke or extinguishing agent into compartments occupied by the crew or passengers, and the dissipation of the extinguishing agent in category "C" compartments shall be demonstrated by tests in flight. It shall also be demonstrated during these tests that no inadvertent operation of smoke or fire detectors in adjacent or other compartments within the airplane would occur as a result of fire contained in any one compartment, either during or after extinguishment, unless the extinguishing system floods such compartments simultaneously.

§ 41.117 Propeller de-icing fluid.

If combustible fluid is used for propeller de-icing, the provisions of § 41.131 shall be complied with.

§ 41.118 Pressure cross-feed arrangements.

Pressure cross-feed lines shall not pass through portions of the airplane devoted to carrying personnel or cargo unless means are provided to permit the flight personnel to shut off the supply of fuel to these lines, or unless the lines are enclosed in a fuel- and fume-proof enclosure that is ventilated and drained to the exterior of the airplane. Such enclosures need not be used if these lines incorporate no fittings on or within the personnel or cargo areas and are suitably routed or protected to safeguard against accidental damage. Lines which can be isolated from the remainder of the fuel system by means of valves at each end shall incorporate provisions for the relief of excessive pressures that may result from exposure of the isolated line to high ambient temperatures.

§ 41.119 Location of fuel tanks.

Location of fuel tanks shall comply with the provisions of § 41.132. In addition, no portion of engine nacelle skin which lies immediately behind a major air egress opening from the engine compartment shall act as the wall of an integral tank. Fuel tanks shall be isolated from personnel compartments by means of fume- and fuel-proof enclosures.

§ 41.120 Fuel system lines and fittings.

Fuel lines shall be installed and supported in a manner that will prevent excessive vibration and will be adequate to withstand loads due to fuel pressure and accelerated flight conditions. Lines which are connected to components of the airplane between which relative motion may exist shall incorporate provisions for flexibility. Flexible connections in lines which may be under pressure and subjected to axial loading shall employ flexible hose assemblies rather than hose clamp connections. Flexible hose shall be of an acceptable type or proven suitable for the particular application.

§ 41.121 Fuel lines and fittings in designated fire zones.

Fuel lines and fittings in all designated fire zones (see § 41.131) shall comply with the provisions of § 41.134.

§ 41.122 Fuel valves.

In addition to the requirements contained in § 41.133 for shutoff means, all fuel valves shall be provided with positive stops or suitable index provisions in the "on" and "off" positions and shall be supported in such a manner that loads resulting from their operation or from accelerated flight conditions are not transmitted to the lines connected to the valve.

§ 41.123 Oil lines and fittings in designated fire zones.

Oil lines and fittings in all designated fire zones (see § 41.131) shall comply with the provisions of § 41.134.

§ 41.124 Oil valves.

Requirements of § 41.133 for shutoff means shall be complied with. Closing of oil shutoff means shall not prevent feathering the propeller, unless equivalent safety provisions are incorporated. All oil valves shall be provided with positive stops or suitable index provisions in the "on" and "off" positions, and shall be supported in such a manner that loads resulting from their operation or from accelerated flight conditions are not transmitted to the lines attached to the valve.

§ 41.125 Oil system drains.

Accessible drains shall be provided to permit safe drainage of the entire oil system and shall incorporate either a manual or automatic means for positive locking in the closed position. (See also § 41.135.)

§ 41.126 Engine breather line.

Engine breather lines shall be so arranged that condensed water vapor which may freeze and obstruct the line cannot accumulate at any point. Breathers shall discharge in a location which will not constitute a fire hazard in case foaming occurs and so that oil emitted from the line will not impinge upon the pilots' windshield. The breather shall not discharge into the engine air induction system. (See also § 41.135.)

§ 41.127 Fire walls.

All engines, auxiliary power units, fuelburning heaters, and other combustion equipment which are intended for operation in flight shall be isolated from the remainder of the airplane by means of fire walls or shrouds, or other equivalent means.

§ 41.128 Fire-wall construction.

Fire walls and shrouds shall be constructed in such a manner that no hazardous quantity of air, fluids, or flame can pass from the engine compartment to other portions of the airplane. All openings in the fire wall or shroud shall be sealed with close-fitting fireproof grommets, bushings, or fire-wall fittings. Fire walls and shrouds shall be constructed of fireproof material and shall be protected against corrosion. The following materials have been found to comply with this requirement:

(a) Heat and corrosion resistant steel 0.015 inch thick;

(b) Low carbon steel, suitably protected against corrosion, 0.018 inch thick.

§ 41.129 Cowling.

Cowling shall be constructed and supported in such a manner as to be capable of resisting all vibration, inertia, and air loads to which it may normally be subjected. Provision shall be made to permit rapid and complete drainage of all portions of the cowling in all normal ground and flight attitudes. Drains shall not discharge in locations constituting a fire hazard. Cowling, unless otherwise specified by these regulations, shall be constructed of fire-resistant material. Those portions of the cowling which are subjected to high temperatures due to their proximity to exhaust system parts or exhaust gas impingement shall be constructed of fireproof material.

§ 41.130 Engine accessory section diaphragm.

Unless equivalent protection can be demonstrated by other means, a diaphragm shall be provided on air-cooled engines to isolate the engine power section and all portions of the exhaust system from the engine accessory compartment. This diaphragm shall comply with the provisions of § 41.128.

§ 41.131 Powerplant fire protection.

Engine accessory sections, installations where no isolation is provided between the engine and accessory compartment, also regions wherein lie auxiliary power units, fuel-burning heaters, and other combustion equipment shall be referred to as designated fire zones. Such zones shall be protected from fire by compliance with §§ 41.132 through 41.135.

§ 41.132 Flammable fluids.

No tanks or reservoirs which are a part of a system containing flammable fluids or gases shall be located in designated fire zones, except where the fluid contained, the design of the system, the materials used in the tank, the shutoff means, and all connections, lines, and controls are such as to provide equivalent safety. Not less than ½ inch of clear air space shall be provided between any tank or reservoir and a fire wall or shroud isolating a designated fire zone.

§ 41.133 Shutoff means.

Means for each individual engine shall be provided for shutting off or otherwise preventing hazardous quantities of fuel, oil, de-icer, and other flammable fluids from flowing into, within, or through any designated fire zone, except that means need not be provided to shut off flow in lines forming an integral part of an engine. In order to facilitate rapid and effective control of fires, such shutoff means shall permit an emergency operating sequence which is compatible with the emergency operation of other equipment, such as feathering the propeller. Shutoff means shall be located outside of designated fire zones, unless equivalent safety is provided (see § 41.132), and it shall be shown that no hazardous quantity of such flammable fluid will drain into any designated fire zone after shutting off has been accomplished. Adequate provisions shall be made to guard against inadvertent operation of the shutoff means and to make it possible for the crew to reopen the shutoff means after it has once been closed.

§ 41.134 Lines and fittings.

(a) All lines and fittings carrying flammable fluids in designated fire zones shall be fire resistant, except as otherwise provided in this section. If flexible hose is used, the assembly of hose and end fittings shall be of an approved type. The provisions of this paragraph need not apply to those lines and fittings which form an integral part of the engine.

(b) Vent and drain lines and their fittings shall be subject to the provisions of paragraph (a) of this section unless a failure of such line or fitting will not result in, or add to, a fire hazard.

§ 41.135 Vent and drain lines.

All vent and drain lines and fittings for same located in designated fire zones and which carry flammable fluids or gases shall comply with the provisions of § 41.134, if the Director finds that rupture or breakage of a particular drain or vent line may result in a fire hazard.

§ 41.136 Fire-extinguishing systems.

(a) Unless the air carrier shows that equivalent protection against destruction of the airplane in case of fire is provided by the use of fireproof materials in the nacelle and other components which would be subjected to flame, fire-extinguishing systems shall be provided to serve all designated fire zones.

(b) Materials in the fire-extinguishing system shall not react chemically with the extinguishing agent so as to constitute a hazard.

§ 41.137 Fire-extinguishing agents.

Extinguishing agents employed shall be methyl bromide, carbon dioxide, or any other agent which has been demonstrated to provide equivalent extinguishing action. If methyl bromide or any other toxic extinguishing agent is employed, provisions shall be made to prevent the entrance of harmful concentrations of fluid or fluid vapors into any personnel compartment either due to leakage during normal operation of the airplane or as a result of discharging the fire extinguisher on the ground or in flight when a defect exists in the extinguishing system. If a methyl bromide system is provided, the containers shall be charged with dry agent and shall be sealed by the fire-extinguisher manufacturer or any other party employing saisfactory recharging equipment. If carbon dioxide is used, it shall not be possible to discharge sufficient gas into personnel compartments to constitute a hazard from the standpoint of suffocation of the occupants.

§ 41.138 Extinguishing agent container pressure relief.

Extinguishing agent containers shall be provided with a pressure relief to prevent bursting of the container due to excessive internal pressures. The discharge line from the relief connection shall terminate outside the airplane in a location convenient for inspection on the ground. An indicator shall be provided at the discharge end of the line to provide a visual indication when the container has discharged.

§ 41.139 Extinguishing agent container compartment temperature.

Precautions shall be taken to insure that the extinguishing agent containers are installed in locations where reasonable temperatures can be maintained for effective use of the extinguishing system.

§ 41.140 Fire-extinguishing system materials.

All components of fire-extinguishing systems located in designated fire zones shall be constructed of fireproof materials, except for connections which are subject to relative motion between components of the airplane, in which case they shall be of flexible fire-resistant construction so located as to minimize the possibility of failure.

§ 41.141 Fire-detector systems.

Quick-acting fire detectors shall be provided in all designated fire zones and shall be sufficient in number and location to insure the detection of fire which may occur in such zones.

§ 41.142 Fire detectors.

Fire detectors shall be constructed and installed in such a manner as to insure their ability to resist without failure, all vibration, inertia, and other loads to which they may normally be subjected. Detectors shall be unaffected by exposure to oil, water, or other fluids or fumes which may be present.

§ 41.143 Protection of other airplane components against fire.

All airplane surfaces aft of the nacelles in the region of one nacelle diameter on both sides of the nacelle centerline shall be constructed of fire-resistant material. This provision need not be applied to tail surfaces lying behind nacelles unless the dimensional configuration of the airplane is such that the tail surfaces could be affected readily by heat, flames, or sparks emanating from a designated fire zone or engine compartment of any nacelle.

§ 41.150 Control of engine rotation.

All airplanes shall be provided with means for individually stopping and restarting the rotation of any engine in flight, except that for turbine engine installations means for completely stopping the rotation need be provided only if the Director finds that rotation could jeopardize the safety of the airplane.

§ 41.151 Fuel system independence.

Airplane fuel systems shall be arranged in such manner that the failure of any one component will not result in the irrecoverable loss of power of more than one engine. A separate fuel tank need not be provided for each engine if the carrier shows that the fuel system incorporates features which provide equivalent safety.

§ 41.152 Induction system ice prevention.

Means for preventing the malfunctioning of each engine due to ice accumulation in the engine air induction system shall be provided for all airplanes.

§ 41.153 Carriage of cargo in passenger compartments.

When operating conditions require the carriage of cargo which cannot be loaded in approved cargo racks, bins, or compartments which are separate from passenger compartments, such cargo may be carried in the passenger compartment in accordance with the requirements of paragraph (a) or (b) of this section.

(a) Such cargo may be carried in approved cargo bins in the passenger compartment if such bins meet the strength and other safety provisions applicable to cargo and passenger compartments prescribed in Part 4b or other airworthiness part under which the airplane is type certificated. The combined weight of the cargo and the approved bin or compartments shall not exceed 85 percent of the load used in determining the design conditions for the structure (bin) involved.

(b) If the cargo is not carried in approved bins, it shall be carried in accordance with the following requirements:

(1) It shall be packaged or covered in a manner to avoid possible injury to passengers;

(2) It shall be properly secured in the airplane by means of safety belts or other tie-downs possessing sufficient strength to eliminate possibility of shifting under all normally anticipated flight, ground, and emergency landing conditions;

(3) It shall not be carried directly above seated passengers;

(5) It shall not be carried aft of seated passengers;

(5) It shall not impose any loads on seats or the floor structure which exceed the designed loads for those compartments; and

(6) It shall not be placed in any position which restricts the access to or use of any required emergency or regular exit or the aisle between the crew and the passenger compartments.

§ 41.154 Carriage of cargo in cargo compartments.

When cargo is carried in compartments which are so designed as to require the physical entry of a crewmember to extinguish any fire which may occur during flight, the cargo shall be so loaded as to permit ready access in flight to any part of the compartment.

Instruments and Equipment for All Operations

§ 41.170 Airplane instruments and equipment for all operations.

(a) Instruments and equipment required by §§ 41.171 through 41.233 shall be approved and shall be installed in accordance with the provisions of the airworthiness requirements applicable to the instruments or equipment concerned.

(b) All airspeed indicators shall be calibrated in knots, and all airspeed limitations and related information contained in the Airplane Flight Manual and pertinent placards shall be expressed in knots.

(c) The following instruments and equipment shall be in operable condition prior to takeoff, except as provided in § 41.391(b) for continuance of flight with equipment inoperative:

(1) Instruments and equipment required to comply with airworthiness requirements under which the airplane is type certificated and as required by the provisions of § 41.110 and §§ 41.150 through 41.154; and

(2) Instruments and equipment specified in §§ 41.171 through 41.179 for all operations, and the instruments and equipment specified in §§ 41.200 through 41.233 for the type of operations indicated, wherever these items are not already provided in accordance with subparagraph (1) of this paragraph.

Note: Instruments and equipment specified in §§ 41.171, 41.172, and 41.230 through 41.233 will be approved in accordance with one or more of the following methods:

(A) Instruments and equipment which are included as a part of the original aircraft type design.

(B) Instruments and equipment approved in accordance with applicable Technical Standard Orders and installed under original aircraft type certification, or subsequent installation in accordance with airworthiness and alteration requirements (Parts 1 and 18 of this chapter (Civil Air Regulations)).

(C) Instruments and equipment manufactured in accordance with an FAA type certificate and installed on original aircraft certification, or subsequent installation in accordance with airworthiness and alteration requirements (Parts 1 and 18 of this chapter (Civil Air Regulations)).

§ 41.171 Flight and navigational equipment for all operations.

The following flight and navigational instruments and equipment are required for all operations:

(a) An airspeed indicating system with heated pitot tube or equivalent means for preventing malfunctioning due to icing;

(b) Sensitive altimeter;

(c) Clock (sweep-second);

(d) Free-air temperature indicator;

(e) Gyroscopic bank and pitch indicator (artificial horizon);

(f) Gyroscopic rate-of-turn indicator combined with a slip-skid indicator (turn and bank indicator);

(g) Gyroscopic direction indicator (directional gyro or equivalent);

(h) Magnetic compass; and

(i) Vertical speed indicator (rate-of-climb indicator).

§ 41.172 Engine instruments for all operations.

The following engine instruments are required for all operations, except that the Director may permit or require different instrumentation for turbine-powered airplanes to provide equivalent safety:

(a) Carburetor air temperature indicator for each engine;

(b) Cylinder head temperature indicator for each air-cooled engine;

(c) Fuel pressure indicator for each engine;

(d) Fuel flowmeter or fuel mixture indicator for each engine;

(e) Means for indicating fuel quantity in each fuel tank to be used;

(f) Manifold pressure indicator for each engine;

(g) Oil pressure indicator for each engine;

(h) Oil quantity indicator for each oil tank when a transfer or separate oil reserve supply is used;

(i) Oil-in temperature indicator for each engine;

(j) Tachometer for each engine;

(k) An independent fuel pressure warning device for each engine or a master warning device for all engines with means for isolating the individual warning circuits from the master warning device; and

(l) A means shall be provided for each reversible propeller on airplanes equipped with reversible propellers which will indicate to the pilots when the propeller is in reverse pitch. Such means may be actuated at any point in the reversing cycle between the normal low pitch stop position and full reverse pitch. No indication shall be given at or above the normal low pitch stop position. The source of indication shall be actuated by the propeller blade angle or be directly responsive to the propeller blade angle.

§ 41.173 Emergency equipment for all operations.

(a) *General.* The emergency equipment specified in this section is required for all operations. Emergency equipment required by paragraphs (b), (c), and (e) of this section shall be inspected by the air carrier at least every 90 days to insure that the condition and quantity thereof continues to meet the standards of original approval. All required equipment shall be readily accessible to the crew, and the method of operation shall be plainly indicated. When such equipment is carried in compartments or containers, the compartments or containers shall be marked as to contents and date of last inspection.

(b) *Hand fire extinguishers for crew, passenger, and cargo compartments.* Hand fire extinguishers of an approved type shall be provided for use in crew, passenger, and cargo compartments in accordance with the following requirements:

(1) The type and quantity of extinguishing agent shall be suitable for the type of fires likely to occur in the compartment where the extinguisher is intended to be used.

(2) At least one hand fire extinguisher shall be provided and conveniently located on the flight deck for use by the flight crew.

(3) At least one hand fire extinguisher shall be conveniently located in the passenger compartment of airplanes accommodating more than 6 but less than 31 passengers. On airplanes accommodating more than 30 but less than 61 passengers, at least 2 fire extinguishers shall be provided. On airplanes accommodating more than 60 passengers, at least 3 fire extinguishers shall be provided. None need be provided in passenger com-

partments of airplanes accommodating 6 or less persons.

NOTE: An approved type fire extinguisher is an extinguisher approved by the Underwriters' Laboratories, Inc., Factory Mutual Laboratories, Underwriters' Laboratories of Canada or any other person whose approval is acceptable to the FAA, or an extinguisher which is otherwise approved in accordance with the provisions of § 4b.18 of this chapter (Civil Air Regulations).

(c) *First-aid kits.* First-aid kits approved in accordance with the applicable provisions of Appendix A of this part shall be provided in a quantity appropriate to the number of passengers and crew accommodated in the airplane.

(d) *Crash ax.* All airplanes shall be equipped with at least one crash ax.

(e) *Means for emergency evacuation.* On all passenger-carrying airplanes, at all emergency exits which are more than 6 feet from the ground with the airplane on the ground and with the landing gear extended, means shall be provided to assist the occupants in descending from the airplane. At floor level exits approved as emergency exits, such means shall be a chute or equivalent device suitable for the rapid evacuation of passengers. During flight time this means shall be in a position for ready use: *Provided,* That the requirements of this paragraph do not apply to emergency exits over the wing where the greatest distance from the lower sill of the exit to the wing surface does not exceed 36 inches.

(f) *Interior emergency exit markings.* (1) In all passenger-carrying airplanes, all passenger emergency exits, their means of access, and their means of opening shall be marked conspicuously. The identity and location of emergency exits shall be recognizable from a distance equal to the width of the cabin. The location of the emergency exit operating handle and the instructions for opening shall be marked on or adjacent to the emergency exit and shall be readable from a distance of 30 inches by a person with normal eyesight.

(2) In all passenger-carrying airplanes for night operations, a source or sources of light, with an energy supply independent of the main lighting system, shall be installed to illuminate all passenger emergency exit markings. Such lights shall be designed to function automatically in a crash landing and to continue to function thereafter and shall also be operable manually, or shall be designed only for manual operation and also to continue to function following a crash landing. Such lights shall be turned on prior to each night takeoff and landing.

§ 41.174 Seats and safety belts for all occupants.

(a) The air carrier shall provide and make available at all times during the takeoff, en route flight, and landing of an airplane which it is operating:

(1) Either an approved seat or berth for each person aboard the airplane, except for those persons who are 2 years of age or less; and

(2) An approved safety belt attached to each seat and berth for separate use by each such person aboard the airplane, except that two persons occupying a berth may be provided with one approved safety belt to be shared by both such persons, and two persons occupying a multiple lounge or divan seat may be provided with one approved safety belt to be shared by both such persons during flight between takeoff and landing.

(b) During the takeoff and landing of an air carrier airplane, each person on board shall occupy an approved seat or berth and secure themselves with the approved safety belt attached thereto, except that a person 2 years of age or less may be held by an adult person occupying a seat or berth. A safety belt attached to a seat shall not be used by more than one person during takeoff and landing.

(c) In no event shall any required safety belt be used by more persons than the number for which it is approved.

§ 41.175 Miscellaneous equipment for all operations.

All airplanes shall have installed the following equipment:

(a) If protective fuses are used, spare fuses of a number approved for the particular airplane and appropriately described in the air carrier manual.

(b) Windshield wiper or equivalent for each pilot station.

(c) A power supply and distribution system capable of producing and distributing the load for all required instruments and equipment using an external power supply in the event of failure of any one power source or component of the power distribution system: *Provided,* That the use of common elements in the power distribution system will be approved if the air carrier shows that such elements are so designed as to be reasonably protected against malfunctioning. Engine-driven sources of energy, when used, shall be on separate engines.

NOTE: Any aircraft power and distribution systems which meet the requirements of §§ 4b.606 (a), (b), and (c); 4b.612(e); 4b.622 (a) and (b); 4b.623(c); 4b.625; and 4b.650 (b) of this chapter (Civil Air Regulations) complies with the requirements of paragraph (c) of § 41.175.

(d) Means for indicating the adequacy of the power being supplied to required flight instruments.

(e) Two independent static pressure systems, so vented to the outside atmospheric pressure that they will be least affected by air flow variation, moisture, or other foreign matter, and so installed as to be airtight except for the vent. When a means is provided for transferring an instrument from its primary operating system to an alternate system, such means shall include a positive positioning control and shall be marked to indicate clearly which system is being used.

(f) Means for locking all companionway doors which separate passenger compartments from flight crew compartments. Keys for all doors which separate passenger compartments from other compartments having emergency exit provisions shall be readily available to all crewmembers. Any door which is the means of access to a required passenger emergency exit shall be placarded to indicate that it must be open during takeoff and landing. All doors which lead to compartments normally accessible to passengers and which are capable of being locked by passengers shall be provided with means for unlocking by the crew in the event of an emergency.

(g) For seaplanes only, anchor light or lights, a warning bell for signaling when not under way during fog conditions, and an anchor adequate for the size of the seaplane.

§ 41.176 Cockpit check procedure.

The air carrier shall provide for each type of airplane an approved cockpit check procedure. The approved procedures shall include all items necessary for flight crewmembers to check for safety prior to starting engines, prior to taking off, prior to landing, and in engine and systems emergencies, and shall be so designed as to obviate the necessity for a flight crewmember to rely upon his memory for items to be checked. The approved procedures shall be readily usable in the cockpit of each airplane and shall be followed by the flight crew when operating the airplane.

§ 41.177 Passenger information for all operations.

All airplanes shall be equipped with signs visible to passengers and cabin attendants to notify such persons when smoking is prohibited and when safety belts should be fastened. These signs shall be capable of on-off operation by the crew and shall be placed in the "on position" for all takeoffs and landings and when otherwise deemed necessary by the pilot in command.

§ 41.178 Exterior exit and evacuation markings for all operations.

Exterior surfaces of the airplane shall be marked to identify clearly all required emergency exits. When such exits are operable from the outside, markings shall consist of or include information indicating the method of opening.

§ 41.179 Shoulder harness.

All airplanes shall be equipped with shoulder harnesses at the pilot in command, the second in command, and flight engineer stations.

INSTRUMENTS AND EQUIPMENT FOR SPECIAL OPERATIONS

§ 41.200 Instruments and equipment for operations at night.

Each airplane operated at night shall be equipped with the following instruments and equipment in addition to those required by §§ 41.171 through 41.179:

(a) Position lights;

(b) An anti-collision light for airplanes having a maximum certificated weight of more than 12,500 pounds;

(c) Two landing lights;

(d) Two class 1 or class 1A landing flares for extended over-water operations;

(e) Instrument lights providing sufficient illumination to make all required instruments, switches, etc., easily readable, so installed that their direct rays are shielded from the flight crewmembers' eyes and that no objectionable reflections are visible to them. A means of controlling the intensity of illumination shall be provided unless it is shown that nondimming instrument lights are satisfactory;

(f) An airspeed indicating system with heated pitot tube or equivalent means for preventing malfunctioning due to icing; and

(g) A sensitive altimeter.

§ 41.201 Instruments and equipment for operations under IFR or over-the-top.

Each airplane operated under IFR or over-the-top shall be equipped with the following instruments and equipment in addition to those required by §§ 41.171 through 41.179:

(a) An airspeed indicating system with heated pitot tube or equivalent means for preventing malfunctioning due to icing;

(b) A sensitive altimeter; and

(c) Instrument lights providing sufficient illumination to make all required instruments, switches, etc., easily readable, so installed that their direct rays are shielded from the flight crewmembers' eyes and that no objectionable reflections are visible to them. A means of controlling the intensity of illumination shall be provided unless it is shown that nondimming instrument lights are satisfactory.

§ 41.202 Supplemental oxygen; reciprocating-engine-powered airplanes.

(a) *General.* Except where supplemental oxygen is provided in accordance with the requirements of § 41.203, supplemental oxygen shall be furnished and used as set forth in paragraphs (b) and (c) of this section. The amount of supplemental oxygen required for a particular operation to comply with the rules in this part shall be determined on the basis of flight altitudes and flight duration consistent with the operating procedures established for each such operation and route. As used in the oxygen requirements hereinafter set forth, "cabin pressure altitude" shall mean the pressure altitude corresponding with the pressure in the cabin of the airplane, and "flight altitude" shall mean the altitude above sea level at which the airplane is operated; for airplanes not equipped with pressurized cabins, "cabin pressure altitude" and "flight altitude" shall be considered identical.

(b) *Crewmembers.* (1) At cabin pressure altitudes above 10,000 feet to and including 12,000 feet, oxygen shall be provided for, and used by, each member of the flight crew on flight deck duty, and provided for all other crewmembers, during the portion of the flight in excess of 30 minutes within this range of altitudes.

(2) At cabin pressure altitudes above 12,000 feet, oxygen shall be provided for, and used by, each member of the flight crew on flight deck duty, and provided for all other crewmembers, during the entire flight time at such altitudes.

(3) When oxygen must be used by a flight crewmember, it shall be used continuously by such crewmember during the required periods, except when it is necessary to remove the oxygen mask or other dispenser in connection with his regular duties. Standby crewmembers who are on call or are definitely going to have flight deck duty prior to the completion of the flight shall be provided with the same amount of supplemental oxygen as is provided for crewmembers on duty other than on flight deck duty. If a standby crewmember is not on call and will not be on flight deck duty during the remainder of the flight, such crewmember shall be considered as a passenger with regard to supplemental oxygen requirements.

(c) *Passengers.* Each air carrier shall provide a supply of oxygen approved for passenger safety in accordance with the following standards:

(1) For flights of over 30 minutes duration at cabin pressure altitudes above 8,000 feet to and including 14,000 feet, a supply of oxygen sufficient to furnish oxygen for 30 minutes to 10 percent the number of passengers carried shall be required.

(2) For flights at cabin pressure altitudes above 14,000 feet to and including 15,000 feet, a supply of oxygen sufficient to provide oxygen for the duration of the flight at such altitudes for 30 percent of the number of passengers carried shall generally be considered adequate.

(3) For flights at cabin pressure altitudes above 15,000 feet, a supply of oxygen sufficient to provide oxygen for each passenger carried during the entire flight at such altitudes shall be required.

§ 41.202-T Supplemental oxygen for sustenance; turbine-powered airplanes.

(a) *General.* When operating turbine-powered airplanes sustaining oxygen and dispensing equipment shall be furnished by the air carrier for use as set forth in this section. The amount of oxygen provided shall be at least that quantity which will be necessary to comply with paragraphs (b) and (c) of this section. The amount of sustaining and first-aid oxygen required for a particular operation to comply with the rules in this part shall be determined on the basis of cabin pressure altitudes and flight duration consistent with the operating procedures established for each such operation and route. The requirements for airplanes with pressurized cabins shall be determined on the basis of cabin pressure altitude and the assumption that a cabin pressurization failure will occur at that altitude or point of flight which is most critical from the standpoint of oxygen need, and that after such failure the airplane will descend in accordance with the emergency procedures specified in the Airplane Flight Manual without exceeding its operating limitations to a flight altitude that will permit successful termination of the flight. Following such a failure the cabin pressure altitude shall be considered to be the same as the flight altitude unless it can be shown that no probable failure of the cabin or pressurization equipment will result in a cabin pressure altitude equal to the flight altitude, under which circumstances the maximum cabin pressure altitude attained may be used as a basis for certification and/or determination of oxygen supply.

(b) *Crewmembers.* A supply of oxygen for crewmembers shall be provided in accordance with the following requirements:

(1) At cabin pressure altitudes above 10,000 feet to and including 12,000 feet, oxygen shall be provided for and used by each member of the flight crew on flight deck duty and provided for all other crewmembers during the portion of the flight in excess of 30 minutes within this range of altitudes.

(2) At cabin pressure altitudes above 12,000 feet, oxygen shall be provided for and used by each member of the flight crew on flight deck duty and provided for all other crewmembers during the entire flight at such altitudes.

(3) When oxygen must be used by a flight crewmember, it shall be used continuously by such crewmember during the required periods, except when it is necessary to remove the oxygen mask or other dispenser in connection with his regular duties. Standby crewmembers who are on call or are definitely going to have flight deck duty prior to the completion of the flight shall be provided with the same amount of supplemental oxygen as is provided for crewmembers on duty other than on flight deck duty. If a standby crewmember is not on call and will not be on flight deck duty during the remainder of the flight, such crewmember shall be considered as a passenger with regard to supplemental oxygen requirements.

(c) *Passengers.* A supply of oxygen for passengers shall be provided in accordance with the following requirements:

(1) For flights at cabin pressure altitudes above 10,000 feet to and including 14,000 feet, oxygen shall be provided for the duration of flight in excess of 30 minutes for 10 percent of the number of passengers carried.

(2) For flights at cabin pressure altitudes above 14,000 feet to and including 15,000 feet, oxygen shall be provided for the duration of flight at such altitude for 30 percent of the number of passengers carried.

(3) For flights at cabin pressure altitudes above 15,000 feet, oxygen shall be provided for each occupant carried for the duration of flight at such altitude.

§ 41.203 Supplemental oxygen requirements for pressurized cabin airplanes; reciprocating-engine-powered airplanes.

When operating pressurized cabin airplanes, the air carrier shall so equip such airplanes as to permit compliance with the following requirements in the event of cabin pressurization failure:

(a) *For crewmembers.* When operating such airplanes at flight altitudes above 10,000 feet, the air carrier shall provide sufficient oxygen for all crewmembers for the duration of the flight at such altitudes: *Provided,* That not less than a 2-hour supply of oxygen shall be provided for the flight crewmembers on flight deck duty. The oxygen supply required by § 41.205 may be considered in determining the supplemental breathing supply required for flight crewmembers on flight deck duty in the event of cabin pressurization failure.

(b) *For passengers.* When operating such airplanes at flight altitudes above 8,000 feet, the air carrier shall provide the following amounts of oxygen:

(1) When an airplane is not flown at a flight altitude of over 25,000 feet, a supply of oxygen sufficient to furnish oxygen for 30 minutes to 10 percent of the number of passengers carried shall be considered adequate, if at any point along the route to be flown the airplane can safely descend to a flight altitude of 14,000 feet or less within 4 minutes.

(2) In the event that such airplane cannot descend to a flight altitude of 14,000 feet or less within 4 minutes, the following supply of oxygen shall be provided:

(i) For the duration of the flight in excess of 4 minutes at flight altitudes above 15,000 feet, a supply sufficient to comply with § 41.202(c)(3);

(ii) For the duration of the flight at flight altitudes above 14,000 feet to and including 15,000 feet, a supply sufficient to comply with § 41.202(c)(2); and

(iii) For flight at flight altitudes above 8,000 feet to and including 14,000 feet, a supply sufficient to furnish oxygen for 30 minutes to 10 percent of the number of passengers carried.

(3) When an airplane is flown at a flight altitude above 25,000 feet, sufficient oxygen shall be furnished in accordance with the following requirements to permit the airplane to descend to an appropriate flight altitude at which the flight can be safely conducted. Sufficient oxygen shall be furnished to provide oxygen for 30 minutes to 10 percent of the number of passengers carried for the duration of the flight above 8,000 feet to and including 14,000 feet and to permit compliance with § 41.202(c) (2) and (3) for flight above 14,000 feet.

(c) For purposes of this section it shall be assumed that the cabin pressurization failure will occur at a time during flight which is critical from the standpoint of oxygen need and that after such failure the airplane will descend, without exceeding its normal operating limitations, to flight altitudes permitting safe flight with respect to terrain clearance.

§ 41.203–T Supplemental oxygen for emergency descent and for first aid; turbine-powered airplanes with pressurized cabins.

(a) *General.* When operating turbine-powered airplanes with pressurized cabins, the air carrier shall furnish oxygen and dispensing equipment necessary to permit compliance with the requirements set forth in this section in the event of cabin pressurization failure.

(b) *Crewmembers.* When operating at flight altitudes above 10,000 feet, oxygen shall be provided to permit compliance with § 41.202–T except that not less than a 2-hour supply shall be provided for the flight crewmembers on flight deck duty. The oxygen required by § 41.205 may be included in determining the supply required for flight crewmembers on flight deck duty in the event of cabin pressurization failure.

(c) *Use of oxygen masks by flight crewmembers.*[1] (1) When operating at flight altitudes above 25,000 feet, one pilot at the controls of the airplane shall wear and use an oxygen mask at all times and all other flight crewmembers on flight deck duty shall be provided with oxygen masks, connected to appropriate supply terminals, which shall be worn in a manner that will permit rapid placing of the masks on their faces for use, properly secured and sealed: *Provided,* That the one pilot need not use a mask at or below 35,000 feet if all flight crewmembers on flight deck duty are provided with and are wearing in a ready position for use, a type of oxygen mask connected to appropriate supply terminals, which has been demonstrated to the satisfaction of a representative of the Administrator to be capable of being immediately placed on their faces for use, properly secured and sealed, with either hand. In demonstrating the oxygen mask, the air carrier shall show that this action can be accomplished without disturbing glasses, headphones, or other equipment worn, and without distracting or delaying the flight crewmember from proceeding with his assigned emergency procedures.

(2) Notwithstanding the provisions in subparagraph (1) of this paragraph, when operating at flight altitudes above 25,000 feet, if at any time it is necessary for one pilot to leave his station at the controls of the airplane for any reason, the remaining pilot at the controls shall don and use his oxygen mask until the other pilot has returned to his duty station.

(3) Prior to take off of a flight, each flight crewmember shall preflight his oxygen equipment to insure that the oxygen mask is functioning and fitted properly and connected to appropriate supply terminals, and that the oxygen supply is ready for use.

(d) *Use of portable oxygen equipment by cabin attendants.* Portable oxygen equipment of not less than a 15-minute oxygen supply shall be carried by each attendant during the entire time flight is conducted above 25,000 feet flight altitude, unless it is shown that sufficient portable oxygen units equipped with masks or spare outlets and masks are distributed throughout the cabin to insure immediate availability of oxygen to the cabin attendants regardless of their location at the time of cabin depressurization.

(e) *Passenger cabin occupants.* When operating at flight altitudes above 10,000 feet, the following supply of oxygen shall be provided for the use of passenger cabin occupants:

(1) When an airplane is certificated to operate at flight altitudes to and including 25,000 feet, and if at any point along the route to be flown the airplane can descend safely to a flight altitude of 14,000 feet or less within 4 minutes, oxygen shall be available at the rate prescribed by this part for a 30-minute period for not less than 10 percent of the number of passenger cabin occupants carried.

(2) When an airplane is operated at flight altitudes to and including 25,000 feet and cannot descend safely to a flight altitude of 14,000 feet within 4 minutes, or when an airplane is operated at flight altitudes above 25,000 feet, oxygen shall be available at the rate prescribed by this part for not less than 10 percent of the number of passenger cabin occupants carried for the duration of flight following cabin depressurization at cabin pressure altitudes above 10,000 feet to and including 14,000 feet and, as applicable, to permit compliance with § 41.202–T(c)(2) and (3), except that not less than a 10-minute supply for all passenger cabin occupants shall be provided.

(3) For first-aid treatment of occupants who for physiological reasons might require undiluted oxygen following descent from cabin pressure altitudes above 25,000 feet, a supply of oxygen in accordance with the requirements of § 4b.651(b)(4) of this chapter (Civil Air Regulations) (see § 41.204) shall be provided for 2 percent of the occupants for the duration of flight following cabin depressurization at cabin pressure altitudes above 8,000 feet, but in no case to less than one person. An appropriate number of acceptable dispensing units, but in no case less than 2, shall be provided. Means shall be provided to enable the cabin attendants to use this supply.

(f) *Passenger briefing.* Before flight is conducted above 25,000 feet, a crewmember shall give instructions and demonstrations to the passengers sufficient to insure that all passengers are adequately informed regarding the location and operation of the oxygen-dispensing equipment and the necessity of using oxygen in the event of cabin depressurization.

§ 41.204 Equipment standards.

(a) *Reciprocating-engine-powered airplanes.* The oxygen apparatus, the minimum rates of oxygen flow, and the supply of oxygen necessary to comply with the requirements of § 41.202 shall meet the standards established in § 4b.651 of this chapter (Civil Air Regulations) effective July 20, 1950: *Provided,* That if the air carrier shows full compliance with such standards to be impracticable, the Director may authorize such changes in these standards as he finds will provide an equivalent level of safety.

(b) *Turbine-powered airplanes.* The oxygen apparatus, the minimum rate of oxygen flow, and the supply of oxygen to comply with the requirements of §§ 41.202–T and 41.203–T shall meet the standards established in § 4b.651 of this chapter (Civil Air Regulations) effective September 1, 1958: *Provided,* That if the air carrier shows full compliance with such standards to be impracticable, the Director may authorize such changes in these standards as he finds will provide an equivalent level of safety.

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[1] This paragraph is included in a notice of proposed rule making which is being circulated as Civil Air Regulations Draft Release No. 60–15. Whatever action is taken on DR 60–15 will be reflected in Part 41 at the time it is adopted.

§ 41.205 Protective breathing equipment for the flight crew.

(a) *Pressurized cabin airplanes.* Each required flight crewmember on flight deck duty shall have easily available at his station protective breathing equipment covering the eyes, nose, and mouth, or the nose and mouth where accessory equipment is provided to protect the eyes, to protect him from the effects of smoke, carbon dioxide, and other harmful gases. Not less than a 300-liter STPD supply of oxygen for each required flight crewmember on flight deck duty shall be provided for this purpose.

(b) *Nonpressurized cabin airplanes.* The requirement stated in paragraph (a) of this section shall apply to nonpressurized cabin airplanes if the Director finds that it is possible to obtain a dangerous concentration of smoke, carbon dioxide or other harmful gases in the flight crew compartments in any attitude of flight which might occur when the airplane is flown in accordance with either normal or emergency procedures.

§ 41.206 Equipment for extended overwater operations.

(a) The following equipment shall be required for all extended overwater operations: *Provided,* That the Director may require the carriage of all of the prescribed equipment, or any item thereof, for any operation over water, or upon application of an air carrier, permit deviation from these requirements for a particular extended overwater operation:

(1) Life vest meeting the specifications of Technical Standard Order C13 for each occupant of the airplane over 6 years of age and Technical Standard Order C13 NAS 801 for each occupant of the airplane 6 years of age and under, or other approved flotation device;

(2) Liferafts sufficient in number and of such rated capacity and buoyancy as to accommodate all occupants of the airplane;

(3) Suitable pyrotechnic signaling devices; and

(4) One portable emergency radio signaling device, capable of transmission on the appropriate emergency frequency or frequencies, which is not dependent upon the airplane power supply and which is self-buoyant and water-resistant.

(b) All required liferafts, life vests, and signaling devices shall be easily accessible in the event of a ditching without appreciable time for preparatory procedures. Life vests in pouches or containers shall be located adjacent to each seat so that each passenger may obtain and don the vest without having to leave the seat.

(c) Survival equipment approved in accordance with the applicable provisions of Appendix A of this part shall be attached to each required liferaft.

§ 41.207 Equipment for operations in icing conditions.

(a) For all operations in icing conditions each airplane shall be equipped with means for the prevention or removal of ice on windshields, wings, empennage, propellers, and other parts of the airplane where ice formation will adversely affect the safety of the airplane.

(b) For operations in icing conditions at night means shall be provided for illuminating or otherwise determining the formation of ice on the portions of the wings which are critical from the standpoint of ice accumulation. When illuminating means are used, such means shall be of a type which will not cause glare or reflection which would handicap crewmembers in the performance of their normal functions.

§ 41.208 Equipment for operations over frigid and tropical land areas.

Each airplane shall be equipped with the following equipment on flights for long distances over frigid or tropical land areas for which the Director finds such equipment to be necessary for search and rescue operations because of the character of the terrain to be flown over:

(a) Suitable pyrotechnic signaling devices;

(b) One approved portable emergency radio signaling device, capable of transmission on the appropriate emergency frequency or frequencies, which is not dependent upon the airplane power supply and which is self-buoyant and water-resistant; and

(c) Survival equipment approved in accordance with the applicable provisions of Appendix A of this part and adequate for the number of occupants of the airplane.

§ 41.209 Equipment for operations on which specialized means of navigation are required.

The air carrier shall show that sufficient and adequate airborne equipment is provided to permit navigation to be accomplished by the specialized method authorized for the particular route to be operated.

§ 41.210 Flight recorders.

(a) An approved flight recorder which records at least time, altitude, airspeed, vertical acceleration, and heading shall be installed in accordance with the following requirements:

(1) On all airplanes of more than 12,500 pounds maximum certificated takeoff weight which are certificated for operations above 25,000 feet altitude; and

(2) On all turbine-powered airplanes of more than 12,500 pounds maximum certificated takeoff weight.

(b) When an approved flight recorder is installed it shall be operated continuously from the instant the airplane commences the takeoff roll until it has completed the landing roll at an airport.

(c) Recorded information shall be retained by the air carrier for a period of at least 60 days. For a particular flight or series of flights, the information shall be retained for a longer period if requested by an authorized representative of the Administrator or the Civil Aeronautics Board.

RADIO EQUIPMENT

§ 41.230 Radio equipment.

Each airplane used in operations subject to this part shall be equipped with radio equipment specified for the type of operation in which it is engaged. Where two independent (separate and complete) radio systems are required by §§ 41.231 and 41.232, each system shall have an independent antenna installation: *Provided,* That where rigidly supported nonwire antennas or other antenna installations of equivalent reliability are used, only one such antenna need be provided.

§ 41.231 Radio equipment for operations under VFR over routes navigated by pilotage.

(a) For operations conducted under VFR over routes on which navigation can be accomplished by pilotage, each airplane shall be equipped with such radio equipment as is necessary under normal operating conditions to fulfill the following functions:

(1) Communicate with at least one appropriate ground station (as specified in § 41.34) from any point on the route and with other airplanes operated by the air carrier on the route;

(2) Communicate with appropriate traffic control facilities from any point in the control zone within which flights are intended; and

(3) Receive meteorological information from any point en route by either of two independent systems. One of the means provided for compliance with this subparagraph may be employed for compliance with subparagraphs (1) and (2) of this paragraph.

(b) For all operations at night conducted under VFR over routes on which navigation can be acomplished by pilotage, each airplane shall be equipped with such radio equipment as is necessary under normal operating conditions to fulfill the functions specified in paragraph (a) of this section and to receive radio navigational signals applicable to the route flown except that no marker beacon receiver or ILS receiver need be provided.

§ 41.232 Radio equipment for operations under VFR over routes not navigated by pilotage or for operations under IFR or over-the-top.

(a) For operations conducted under VFR over routes on which navigation cannot be accomplished by pilotage or for operations conducted under IFR or over-the-top, each airplane shall be equipped with such radio equipment as is necessary under normal operating conditions to fulfill the functions specified in § 41.231(a) and to receive satisfactorily by either of two independent systems, radio navigational signals from all primary en route and approach navigational facilities intended to be used, except that only one marker beacon receiver which provides visual and aural signals and one ILS receiver need be provided. Equipment provided to receive signals en route may be used to receive signals on approach, if it is capable of receiving both signals.

(b) In the case of operation on routes using procedures based on automatic direction finding, only one automatic direction finding system need be installed: *Provided,* That ground facilities are so located and the airplane is so fueled that, in case of failure of the automatic direction finding equipment, the flight may proceed safely to a suitable airport which has ground radio navigational facilities whose signals may be received by the use of the remaining airplane radio systems.

(c) In those areas where transition from low frequency to very high frequency radio navigational systems is in progress, one means of satisfactorily receiving signals over each of these systems shall be considered as complying with the requirement that two independent systems be provided to receive en route or approach navigational facility signals: *Provided,* That ground facilities are so located and the airplane is so fueled that, in case of failure of either system, the flight may proceed safely to a suitable airport which has ground radio navigational facilities whose signals may be received by use of the remaining airplane radio system.

§ 41.233 Radio equipment for extended overwater operations and for certain other operations.

Each airplane shall be equipped with such radio equipment as is necessary to fulfill the functions specified in § 41.232 and, by an independent system, the functions specified in § 41.231(a)(1) for the following operations:

(a) Extended overwater operations; and

(b) Operations for which the Director finds such equipment to be necessary for search and rescue operations because of the character of the terrain to be flown over.

Maintenance and Inspection Requirements

§ 41.240 Responsibility for maintenance.

Irrespective of whether the air carrier has made arrangements with any other person for the performance of maintenance and inspection functions, each air carrier shall have the primary responsibility for the airworthiness of its airplanes and required equipment.

§ 41.241 Maintenance and inspection requirements.

(a) The air carrier, or the person with whom arrangements have been made for the performance of maintenance and inspection functions, shall establish an adequate inspection organization responsible for determining that workmanship, methods employed, and material used are in conformity with the requirements of the regulations of this subchapter, with accepted standards and good practices, and that any airframe, engine, propeller, or appliance released for flight is airworthy. All maintenance, repairs, and alterations shall be accomplished in accordance with the provisions of Part 18 of this chapter (Civil Air Regulations), and the Manual and operations specifications of the air carrier.

(b) Any individual who is directly in charge of inspection, maintenance, overhaul, or repair of any airframe, engine, propeller, or appliance shall hold an appropriate airman certificate; as for example, any individual who is assigned, by the air carrier or other person performing maintenance, responsibility for the work of a shop or station which performs inspections, maintenance, repairs, alterations, or other functions affecting aircraft airworthiness, and is available for consultation and decision on matters requiring instruction or decision from higher authority than that of the individuals performing the work.

§ 41.242 Maintenance and inspection training program.

The air carrier, or the person with whom arrangements have been made for the performance of maintenance and inspection functions, shall establish and maintain a training program to insure that all maintenance and inspection personnel charged with determining the adequacy of work performed are fully informed with respect to all procedures and techniques and with new equipment introduced into service, and are competent to perform their duties.

§ 41.243 Maintenance and inspection personnel duty time limitations.

Within the United States, its Territories and possessions, all maintenance and inspection personnel shall be relieved of all duty for a period of at least 24 consecutive hours during any 7 consecutive days or equivalent thereof within any one month.

Airman and Crewmember Requirements

§ 41.260 Utilization of airman.

(a) No air carrier shall utilize an individual as an airman unless he holds an appropriate and currently effective airman certificate issued by the Administrator and is otherwise qualified for the particular operation in which he is to be utilized. An airman shall have the appropriate certificate in his personal possession while engaged in operations under this part and shall present the same for examination to any authorized representative of the Administrator upon request.

(b) No individual who has reached his 60th birthday shall be utilized or serve as a pilot on any airplane while engaged in air carrier operations.

§ 41.261 Composition of flight crew.

(a) No air carrier shall operate an airplane with less than the minimum flight crew specified in the airworthiness certificate for the type of airplane and required in this part for the type of operation.

(b) Where the provisions of this part require the performance of two or more functions for which an airman certificate is necessary, such requirement shall not be satisfied by the performance of multiple functions at the same time by any airman.

(c) Where the air carrier is authorized to operate under instrument conditions or operates airplanes of more than 12,500 pounds maximum certificated takeoff weight, the minimum pilot crew shall be 2 pilots.

(d) On flights requiring a flight navigator or flight engineer, at least one other flight crewmember shall be sufficiently qualified, so that in the event of illness or other incapacity, emergency coverage can be provided for those functions for the safe completion of the flight. An airman need not be additionally certificated to function in another airman's capacity for such emergency coverage. Qualification procedures shall be included in the training program curriculum.

§ 41.262 Flight navigator.

An airman holding a valid flight navigator certificate shall be required for flight over any area, route, or route segment outside the continental limits of the United States:

(a) When celestial navigation is necessary, or

(b) When conditions are such that other specialized means of navigation necessary for the safe conduct of the flight cannot be adequately accomplished from the pilot station. Such conditions shall be deemed to exist when reliable fixes cannot be obtained from the pilot station for any period in excess of one hour, or for any lesser period when so determined by a representative of the Administrator upon consideration of the following factors: the speed of the aircraft used by the air carrier, the normal weather conditions to be encountered, the extent of air traffic control, the amount of traffic congestion, the area of the land at destination, fuel requirements, whether sufficient fuel is carried for return to the point of departure or alternates, and whether flight is predicated upon operation beyond the point-of-no-return.

§ 41.263 Flight engineer.

An airman holding a valid flight engineer certificate shall be required on all airplanes certificated for more than 80,000 pounds maximum certificated takeoff weight. Such airman shall also be required on all 4-engine airplanes certificated for more than 30,000 pounds maximum certificated takeoff weight where the Director finds that the design of the airplane used or the type of operation is such as to require engineer personnel for the safe operation of the airplane.

§ 41.265 Flight attendant.

At least one flight attendant shall be provided by the air carrier on airplanes carrying 10 or more passengers. At least 2 flight attendants shall be provided on airplanes carrying 45 or more passengers. At least 3 flight attendants shall be provided on airplanes carrying more than 100 passengers.

§ 41.266 Aircraft dispatcher.

Each air carrier shall provide an adequate number of qualified dispatchers at each dispatch center to insure the proper operational control of each flight.

§ 41.267 Assignment of emergency evacuation functions for each crewmember.

Each air carrier shall assign to each crewmember all necessary emergency functions each such crewmember is to perform under circumstances requiring emergency evacuation. Emergency functions shall be assigned for each type of airplane used by the air carrier and the air carrier shall show that functions so assigned are realistic and capable of accomplishment. These functions shall be described in the air carrier manual and executed by each crewmember in the course of the emergency training program conducted by the air carrier.

TRAINING PROGRAM

§ 41.280 Establishment of approved program.

(a) Each air carrier shall establish a training program sufficient to insure that each crewmember and dispatcher used by the air carrier is adequately trained to perform the duties to which he is to be assigned. The initial training phases shall be satisfactorily completed prior to serving in scheduled operations. The training program shall meet with the approval of an authorized representative of the Administrator.

(b) Each air carrier shall provide adequate ground and flight training facilities and properly qualified instructors. There also shall be provided a sufficient number of check airmen to conduct the flight checks required by this part. Such check airmen shall hold the same airmen certificates and ratings as are required for the airman being checked.

(c) The training program for each flight crewmember shall consist of appropriate ground and flight training including proper flight crew coordination and training in emergency procedures. Procedures for each flight crew function shall be standardized to the extent that each flight crewmember will know the functions for which he is responsible and the relation of those functions to those of other flight crewmembers. The initial program shall include at least the appropriate requirements specified in §§ 41.281 through 41.285.

(d) The crewmember emergency procedures training program shall include at least the requirements specified in § 41.285.

(e) The appropriate instructor, supervisor, or check airman responsible for the particular training check or flight check shall certify to the proficiency of each crewmember and dispatcher upon completion of his initial and recurrent training, and such certification shall become a part of the individual's record.

§ 41.281 Pilot ground training.

(a) Ground training for each pilot prior to serving as a flight crewmember shall include instruction in at least the following:

(1) The appropriate provisions of the air carrier operations specifications and appropriate provisions of the Civil Air Regulations with particular emphasis on the operation and dispatching rules and airplane operating limitations;

(2) Dispatch procedures and appropriate contents of the manuals;

(3) The duties and responsibilities of crewmembers;

(4) The type of airplane to be flown, including a study of the airplane, engines, all major components and systems, performance limitations, standard and emergency operating procedures, and appropriate contents of the approved Airplane Flight Manual;

(5) The principles and methods of determining weight and balance limitations for takeoff and landing;

(6) Navigation and use of appropriate aids to navigation, including the instrument approach facilities and procedures which the air carrier is authorized to use;

(7) Airport and airways traffic control systems and procedures, and ground control letdown procedures if pertinent to the operation;

(8) Meteorology sufficient to insure a practical knowledge of the principles of icing, fog, thunderstorms, and frontal systems;

(9) Procedures for operation in turbulent air and during periods of ice, hail, thunderstorms, and other potentially hazardous meteorological conditions; and

(10) Communications procedures including procedures to be used in the event any of the communications equipment required by this part becomes inoperative.

(b) The air carrier shall give each pilot such additional ground training as is necessary to insure qualification with respect to any new equipment, procedures, or techniques. At least once each 12 months, as a part of the training program, recurrent ground training and checks shall be provided to insure the continued proficiency of each pilot with respect to procedures, techniques, and information essential to the satisfactory performance of his duties.

§ 41.282 Pilot flight training.

(a) Flight training for each pilot prior to serving as a flight crewmember shall include at least takeoffs and landings, during day and night, and normal and emergency flight maneuvers in each type of airplane to be flown by him in scheduled operations, and flight under simulated instrument flight conditions. A pilot qualifying to serve as other than pilot in command or second in command shall demonstrate to a representative of the Administrator or to a check pilot his ability to take off and land each type of airplane in which he is to serve.

(b) Flight training for a pilot qualifying to serve as pilot in command or as second in command in a crew requiring 3 or more pilots shall include flight instruction and practice in at least the following maneuvers and procedures:

(1) In each type of airplane to be flown by him in scheduled operations:

(i) At the authorized maximum takeoff weight, takeoff using maximum takeoff power with simulated failure of the critical engine. For transport category airplanes the simulated engine failure shall be accomplished as closely as possible to the critical engine failure speed (V_1), and climb-out shall be accomplished at a speed as close as possible to the takeoff safety speed (V_2). Each pilot shall ascertain the proper values for speeds V_1 and V_2;

(ii) At the authorized maximum landing weight, flight in a 4-engine airplane, where appropriate, with the most critical combinations of 2 engines inoperative, or operating at zero thrust, utilizing appropriate climb speeds as set forth in the Airplane Flight Manual;

(iii) At the authorized maximum landing weight, simulated pull-out from the landing and approach configurations accomplished at a safe altitude with the critical engine inoperative or operating at zero thrust;

(iv) Suitable combinations of airplane weight and power less than those specified in subdivisions (i), (ii), and (iii) of this subparagraph may be employed if the performance capabilities of the airplane under the above conditions are simulated.

(2) Conduct of flight under simulated instrument conditions, utilizing all types of navigational facilities and the letdown procedures used in normal operations. If a particular type of facility is not available in the training area, such training may be accomplished in a synthetic trainer.

(c) Flight training for a pilot qualifying to serve as second in command in a crew requiring 2 pilots shall include flight instruction and practice in at least the following maneuvers and procedures:

(1) In each type of airplane to be flown by him in scheduled operation:

(i) Assigned flight duties as second in command including flight emergencies;

(ii) Taxiing;

(iii) Takeoffs and landings;

(iv) Climbs and climbing turns;

(v) Slow flight;

(vi) Approach to stall;

(vii) Engine shutdown and restart;

(viii) Takeoff and landing with simulated engine failure;

(ix) Conduct of flight under simulated instrument conditions including instrument approach at least down to circling approach minimums and missed approach procedures.

(2) Conduct of flight under simulated instrument conditions, utilizing all types of navigational facilities and the letdown procedures used in normal operations. Except for those approach procedures for which the lowest minimums are approved, all other letdown procedures may be given in a synthetic trainer which contains the radio equipment and instruments necessary to simulate other navigational and letdown procedures approved for use by the air carrier.

(d) The air carrier shall give each pilot such additional flight training as is necessary to insure qualification with respect to any new equipment, procedures, or techniques. At least once each 12 months, as a part of the training program, recurrent flight training and checks shall be provided to insure the continued proficiency of each pilot with respect to procedures, techniques, and information essential to the satisfactory performance of his duties. Where the check of the pilot in command or second in command requires actual flight, satisfactory completion of the checks required by § 41.302 or 41.305 will meet the requirements of this section.

§ 41.283 Flight navigator training.

(a) The training for flight navigators shall include the applicable portions of at least subparagraphs (1) through (4) and (6) through (8) of § 41.281(a).

(b) Prior to serving as a flight crewmember, each flight navigator shall be given sufficient ground and flight training to become proficient in those duties assigned him by the air carrier. The flight training may be accomplished during scheduled flight under the supervision of a qualified flight navigator.

(c) The air carrier shall give each flight navigator such additional ground and flight training as is necessary to insure qualification with respect to any new equipment, procedures, or techniques. At least each 12 months, as a part of the training program, recurrent ground training and a flight check shall be provided to insure the continued proficiency of each flight navigator with respect to procedures, techniques, and information essential to the satisfactory performance of his duties. Such flight check may be accomplished during scheduled flight in air transportation or in a synthetic trainer in lieu of a check in flight.

§ 41.284 Flight engineer training.

(a) The training for flight engineers shall include at least the instruction specified in § 41.281(a)(1) through (5).

(b) Prior to serving as a flight crewmember each flight engineer shall be given sufficient training in flight to become proficient in those duties assigned him by the air carrier. Except for emergency procedures, the flight training may be accomplished during scheduled flight in air transportation under the supervision of a qualified flight engineer.

(c) The air carrier shall give each flight engineer such additional ground and flight training as is necessary to insure qualification with respect to any new equipment, procedures, or techniques. At least once each 12 months, as a part of the training program, recurrent ground training and a flight check shall be provided to insure the continued proficiency of each flight engineer with respect to procedures, techniques, and information essential to the satisfactory performance of his duties. Such flight check shall not be accomplished during scheduled flight in air transportation, but may be accomplished in a synthetic trainer in lieu of a check in flight.

§ 41.285 Crewmember emergency training.

(a) The training in emergency procedures shall be designed to give each crewmember appropriate individual instruction in all emergency procedures, including assignments in the event of an emergency, and proper coordination between crewmembers. At least the following subjects as appropriate to the individual crewmember shall be taught: The procedures to be followed in the event of the failure of an engine, or engines, or other airplane components or systems, emergency decompression, fire in the air or on the ground, ditching, evacuation, the location and operation of all emergency equipment, and power setting for maximum endurance and maximum range.

(b) Recurrent training in the emergency procedures required in paragraph (a) of this section shall be accomplished at intervals not to exceed 12 months. Accomplishment of such training shall be made a part of the individual's record.

(c) Synthetic trainers may be used for training of crewmembers in emergency procedures where the trainers sufficiently simulate flight operating emergency conditions for the equipment to be used.

(d)[1] All crewmembers performing duties on pressurized airplanes operated above 25,000 feet shall, as a part of their initial emergency decompression procedure training, receive instruction by means of lectures and films (or other types of demonstration) covering: respiration, hypoxia, duration of consciousness at altitude when supplemental oxygen is not supplied, gas expansion, gas bubble formation, oxygen equipment, forces and other physical phenomena of decompressions, and incidents of decompression. In addition, all flight crewmembers shall experience hypoxia of slow and rapid onset through reduction of pressure in a low pressure chamber. For hypoxia of slow onset, a pressure altitude equivalent of 20,000 plus or minus 1,000 feet shall be employed. For hypoxia of rapid onset, a pressure altitude equivalent to 29,000 plus or minus 1,000 feet shall be employed. Reduction in pressure from 8,000 to 29,000 feet shall be accomplished within not less than 10 nor more than 20 seconds, and the duration of exposure above 20,000 feet shall not exceed 3 minutes. Oxygen shall be immediately available in the chamber but shall not ordinarily be used until symptoms of hypoxia become evident. Flight crewmembers who have completed their initial emergency training at the time of adoption of this rule will be afforded a 6-month grace period following the effective date thereof to accomplish the low pressure chamber indoctrination program.

§ 41.286 Aircraft dispatcher training.

(a) The training program for aircraft dispatchers shall provide for training in their duties and responsibilities and shall include a study of the flight operation procedures, air traffic control procedures, the performance of the airplanes used by the air carrier, navigational aids and facilities, and meteorology. Particular emphasis shall be placed upon the procedures to be followed in the event of emergencies, including the alerting of proper Governmental, company, and private agencies to render maximum assistance to an airplane in distress.

(b) Each aircraft dispatcher shall, prior to initially performing the duty of an aircraft dispatcher, satisfactorily demonstrate to the supervisor or ground instructor authorized to certify to his proficiency, his knowledge of the following subjects:

(1) Contents of the air carrier operating certificate;

(2) Appropriate provisions of the air carrier operations specifications, manual, and Civil Air Regulations;

(3) Characteristics of the airplanes operated by the air carrier;

(4) Cruise control data and cruising speeds for such airplanes;

(5) Maximum authorized loads for the airplanes for the routes and airports to be used;

(6) Air carrier radio facilities;

(7) Characteristics and limitations of each type of radio and navigational facility to be used;

(8) Effect of weather conditions on airplane radio reception;

(9) Airports to be used and the general terrain over which the airplanes are to be flown;

(10) Prevailing weather phenomena;

(11) Sources of weather information available;

(12) Pertinent air traffic control procedures; and

(13) Emergency procedures.

(c) The training program shall provide such additional training as is necessary to insure that each dispatcher is qualified with respect to new equipment procedures or techniques. At least once each 12 months, as a part of the training program, recurrent training and checks shall be provided to insure the continued competence of each dispatcher with respect to the procedures, techniques, and information essential to his duties.

Flight Crewmember and Dispatcher Qualification

§ 41.300 Qualification requirements.

(a) No air carrier shall utilize any flight crewmember or dispatcher, nor shall any such airman perform the duties authorized by his airman certificate, unless he satisfactorily meets the appropriate requirements of §§ 41,280 through 41.286 and 41.301. Each pilot serving as pilot in command and each pilot serving as second in command in operations requiring 3 or more pilots shall hold appropriate airline transport pilot certificates and appropriate type ratings for the aircraft in which they serve. All other pilots shall hold at least commercial pilot certificates and instrument ratings.

(b) Check airmen shall certify as to the proficiency of each pilot being examined, as required by §§ 41.302, 41.303, and 41.305 and such certification shall become a part of the airman's record.

§ 41.301 Pilot recent experience.

No air carrier shall schedule a pilot to serve as pilot in command or second in command in scheduled air transportation unless within the preceding 90 days he has made at least 3 takeoffs and 3 landings in the airplane of the particular type on which he is to serve.

§ 41.302 Pilot checks.

(a) *Line check.* Prior to serving as pilot in command and at least once each 12 months thereafter, a pilot shall satisfactorily pass a line check in one of the types of airplanes normally to be flown by him. The line check may be given at any time during the month preceding or following the month in which it becomes due. The effective date of the check, if given within the preceding or following month, shall be the same as if given within the month in which it became due. This check shall be given by a check pilot who is both qualified on the aircraft and on the route. It shall consist of at least a scheduled flight over a typical portion of the air carrier's routes to which the pilot is normally assigned and shall be of sufficient duration for the check pilot to determine whether the individual being checked satisfactorily exercises the duties and responsibilities of a pilot in command.

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[1] This paragraph is included in a notice of proposed rule making which is being circulated as Civil Air Regulations Draft Release No. 60-15. Whatever action is taken on DR 60-15 will be reflected in Part 41 at the time it is adopted.

(b) *Proficiency check.* (1) An air carrier shall not utilize a pilot as pilot in command until he has satisfactorily demonstrated to a check pilot or a representative of the Administrator his ability to pilot and navigate airplanes to be flown by him. Thereafter, he shall not serve as pilot in command unless each 6 months he successfully completes a similar pilot proficiency check. The proficiency check may be given at any time during the month preceding or following the month in which it becomes due. The effective date of the check, if given within the preceding or following month, shall be the same as if given within the month in which it became due. Where such pilots serve in more than one airplane type, at least every other successive proficiency check shall be given in flight in the larger airplane type.

(2) The pilot proficiency check shall include at least the following:

(i) Equipment examination (oral or written), taxiing, runup, takeoff, climb, climbing turns, steep turns, maneuvers at minimum speeds, approach to stalls, propeller feathering, maneuvers with one or more engine(s) out, rapid descent and pullout, ability to tune radio, orientation, approach procedures, and emergency procedures.

(ii) The flight maneuvers specified in § 41.282(b)(1), except that the simulated engine failure during takeoff need not be accomplished at speed V_1, nor at actual or simulated maximum authorized weight.

(iii) Flight maneuvers approved by the Administrator accomplished under simulated instrument conditions utilizing the navigational facilities and letdown procedures normally used by the pilot: *Provided,* That maneuvers other than those associated with approach procedures for which the lowest minimums are approved may be given in a synthetic trainer which contains the radio equipment and instruments necessary to simulate other navigational and letdown procedures approved for use by the air carrier.

(3) Subsequent to the initial pilot proficiency check, an approved course of training in an aircraft simulator, if satisfactorily completed, may be substituted at alternate 6-month intervals for the proficiency check required by subparagraph (1) of this paragraph. The air carrier shall show that the flight characteristics, performance, instrument reaction, and control loading of the applicable airplane are accurately simulated in the aircraft simulator through all ranges of normal and emergency operations in accordance with subdivisions (i) through (vii) of this subparagraph:

(i) The simulator shall represent a full-scale mockup of the cockpit interior, including normal flight crew stations and accommodations for the instructor or check airman.

(ii) The effect of changes on the basic forces and moments shall be introduced for all combinations of drag and thrust normally encountered in flight. The effect of changes in airplane attitude, power, drag, altitude, temperature, gross weight, center of gravity location, and configuration shall be included.

(iii) In response to control movement by a flight crewmember, all instrument indications involved in the simulation of the applicable airplane shall be entirely automatic in character unless otherwise specified. The rate of change of simulator instrument readings and of control forces shall correspond to the rate of change which would occur on the applicable airplane under actual flight conditions, for any given change in the applied load on the controls, in the applied power or in airplane configuration. Control forces and degree of actuating control travel shall correspond to that which would occur in the airplane under actual flight conditions.

(iv) Through the medium of instrument indication, it shall be possible to use the simulator for the training and checking of a pilot in the operational use of controls and instruments on the applicable airplane model during the simulated execution of ground operation, takeoff, landing, normal flight, unusual attitudes, navigation problems, and instrument approach procedures. In addition, the simulator shall be designed so that malfunctions of airplane engines, propellers, and primary systems may be presented and corrective action taken by the crew to cope with such emergencies.

(v) Suitable course and altitude recorders shall be included.

(vi) Communication and navigational aids of the applicable airplane shall be simulated for on-the-ground and inflight operations.

(vii) Other airplane systems and components shall be simulated to the extent found necessary by the Administrator.

(c) Prior to serving as pilot in command in a particular type of airplane, a pilot shall have accomplished during the preceding 12 months either a proficiency check or a line check in that type of airplane.

§ 41.303 Pilot route and airport qualification requirements.

(a) An air carrier shall not utilize a pilot in command until he has been qualified for the route on which he is to serve in accordance with the provisions of this section and the appropriate instructor or check pilot has so certified.

(b) Each such pilot shall by written means demonstrate adequate knowledge concerning the subjects listed below with respect to each route to be flown and each regular provisional and refueling airport to be used.

(1) Weather characteristics, all seasons;

(2) Navigational facilities;

(3) Communication procedures;

(4) Type of en route terrain and obstruction hazards;

(5) Minimum safe flight levels;

(6) Position reporting points;

(7) Pertinent air traffic control procedures, including terminal area, arrival, departure, holding, and all types of instrument approach procedures; and

(8) Congested areas, obstructions, physical layout, and all instrument approach procedures for each regular, provisional, and refueling airport approved for the routes.

(c) A pilot in command who has not made an entry as a member of a flight crew within the preceding 12-month period at each regular, provisional, and refueling airport into which he is scheduled to fly may approach and land at such airports only if the reported weather indicates at least a ceiling 200 feet and a visibility ½ mile higher than the prescribed landing minimums at those airports. The ceiling and visibility minimums need not be increased above those applicable to the airport when used as an alternate airport. Sliding scales included in the air carrier operations specifications may not be applied to landing minimums by pilots not currently qualified at such airports.

(d) Such pilot shall not be required to meet the entry requirements of paragraph (c) of this section when:

(1) The air carrier shows that the pilot airport qualification can be accomplished by an approved pictorial means; or

(2) The air carrier notifies the Director that it intends to conduct operations at an airport in close proximity to an airport into which the pilot involved is presently qualified by entry, and the Director finds that such pilot is adequately qualified at the new airport. The Director, in making such finding, shall take into consideration at least the familiarity of the pilot with the layout, surrounding terrain, location of obstacles, and instrument approach and traffic control procedures at the new airport.

(e) On routes or route segments on which navigation must be accomplished by pilotage and on which flight is to be conducted at or below the level of the adjacent terrain which is within a horizontal distance of 25 miles on either side of the centerline of the route to be flown, the pilot shall be familiarized with such route or route segments by not less than 2 one-way trips on the flight deck over the route or route segments under VFR weather conditions to permit the qualifying pilot to observe terrain along the route.

§ 41.304 Maintenance and reestablishment of pilot route and airport qualifications for particular trips.

(a) To maintain pilot route and airport qualifications, each pilot being utilized as pilot in command, within the preceding 12-month period, shall have made at least one trip on the flight deck into each airport into which he is scheduled to fly and shall have complied with the provisions of § 41.303(e), if applicable: *Provided,* That such entry shall not be required if the air carrier shows that maintenance of pilot airport qualification can be accomplished in accordance with § 41.303(d).

(b) In order to reestablish pilot route and airport qualifications after absence from a route for a period in excess of 12 months, a pilot shall comply with the appropriate provisions of § 41.303.

§ 41.305 Proficiency checks; second in command.

(a) An air carrier shall not utilize a pilot as second in command until he has satisfactorily demonstrated to a check pilot or a representative of the Administrator his ability to pilot and navigate airplanes to be flown by him and to perform his assigned duties. Thereafter he shall not serve as second in command unless each 12 months he successfully completes a similar pilot proficiency check. The proficiency check may be given at any time during the month preceding or following the month in which it becomes due. The effective date of the check, if given within the preceding or following month, shall be the same as if given within the month in which it becomes due. Where such pilots serve in more than one airplane type, at least every other successive proficiency check shall be given in flight in the larger airplane type. The proficiency check shall include at least an oral or written equipment examination, and the procedures and flight maneuvers specified in § 41.282(c). The pilot proficiency check may be demonstrated from either the right or left pilot seat.

(b) The proficiency check for second in command of a crew requiring 3 or more pilots shall be the same as required under § 41.302(b).

(c) Subsequent to the initial pilot proficiency check, an approved course of training in an aircraft simulator which meets the requirements of § 41.302(b)(3), if satisfactorily completed, may be substituted at alternate 12-month intervals for the proficiency checks required by paragraphs (a) and (b) of this section.

(d) Satisfactory completion of the proficiency check in accordance with § 40.302(b) will also meet the requirements of this section.

§ 41.306 Flight navigator qualification for duty.

A flight navigator shall not be assigned to nor perform duties for which he is required to be certificated as a flight navigator unless, within the preceding 12-month period, he has had at least 50 hours of experience as a flight navigator, or until the air carrier or an authorized representative of the Administrator has checked such flight navigator and determined that he is familiar with all essential current navigational information pertaining to the routes to be flown and is competent with respect to the operating procedures and navigational equipment to be used. This check shall include a check in flight: *Provided,* That in the case of a flight navigator who has been previously qualified as such, the check may be accomplished in a synthetic trainer in lieu of a check in flight.

§ 41.307 Flight engineer qualification for duty.

A flight engineer shall not be assigned to nor perform duties for which he is required to be certificated as a flight engineer unless, within the preceding 6-month period, he has had at least 50 hours of experience as a flight engineer on the type of airplane on which he is to serve, or until the air carrier or an authorized representative of the Administrator has checked such flight engineer and determined that he is familiar with all essential current information and operating procedures relating to the type of airplane to which he is to be assigned and is competent with respect to such airplane. This check shall include a check in flight: *Provided,* That in the case of a flight engineer who has been previously qualified in the type airplane, the check may be accomplished in a synthetic trainer in lieu of a check in flight.

§ 41.310 Aircraft dispatcher qualification for duty.

(a) Prior to dispatching airplanes over any route or route segment, an aircraft dispatcher shall be familiar, and the air carrier shall determine that he is familiar, with all essential operating procedures for the entire route and with the airplanes to be used: *Provided,* That where he is qualified only on a portion of such route, he may dispatch airplanes, but only after coordinating with dispatchers who are qualified for the other portions of the route between the points to be served.

(b) An aircraft dispatcher shall not dispatch airplanes in the area over which he is authorized to exercise dispatch jurisdiction unless within the preceding 12 months he has made at least one round trip over the particular area on the flight deck of an airplane. The trip selected for qualification purposes shall be one which includes entry into as many points as practicable but it shall not be necessary for the dispatcher to make a flight over each route in the area.

Flight Time Limitations

§ 41.320 Flight time limitations for aircraft having a crew of one or two pilots.

(a) A pilot may be scheduled to fly 8 hours or less during any 24 consecutive hours without a rest period during such 8 hours. If a pilot is scheduled to fly in excess of 8 hours during any 24 consecutive hours, he shall be given an intervening rest period at or before the termination of 8 scheduled hours of flight duty. Such rest period must equal at least twice the number of hours flown since the last preceding rest period and in no case will such rest period be less than 8 hours. During such rest period the pilot must be relieved of all duty with the air carrier.

(b) When a pilot has flown in excess of 8 hours during any 24 consecutive hours he must receive at least 18 hours of rest before being assigned any duty with the air carrier.

(c) A pilot shall not fly in excess of 32 hours during any 7 consecutive days. Relief from all duty for not less than 24 consecutive hours must be provided for and given to a pilot at least once during any 7 consecutive days.

(d) A pilot shall not fly as a member of the crew more than 100 hours during any one month.

(e) A pilot shall not fly as a member of the crew more than 1,000 hours in any 12-month period.

§ 41.321 Flight time limitations for aircraft having two pilots and one additional flight crewmember.

(a) A pilot may not be scheduled to fly a total of more than 12 hours during any 24 consecutive hours.

(b) When a pilot has flown 20 hours or more during any 48 consecutive hours, or 24 hours or more during any 72 consecutive hours, he must receive at least 18 hours of rest before being assigned to any duty with the air carrier. In any case each pilot shall be relieved from all duty for not less than 24 consecutive hours during any 7 consecutive days.

(c) A pilot shall not fly as a member of the flight crew more than 120 hours in any 30 consecutive days or 300 hours in any 90 consecutive days.

(d) A pilot shall not fly as a member of the flight crew more than 1,000 hours in any 12-month period.

§ 41.322 Flight time limitations for aircraft having three or more pilots and an additional flight crewmember.

(a) Flight hours shall be scheduled in such a manner as to provide for adequate rest periods on the ground while the pilot is away from his base. Adequate sleeping quarters on the aircraft must be provided in all cases where a pilot is scheduled to fly more than 12 hours during any 24 consecutive hours.

(b) A pilot, upon return to his base from any flight or series of flights, shall receive a rest period of not less than twice the total number of hours flown since the last rest period at his base and during such period will not be required to perform any duty for the company. When the required rest period exceeds 7 days, that portion of the rest period in excess of 7 days may be given at any time before the pilot is again scheduled for flight duty on any route.

(c) A pilot shall not fly as a member of the flight crew more than 350 hours in any 90 consecutive days.

(d) A pilot shall not fly as a member of the flight crew more than 1,000 hours in any 12-month period.

§ 41.323 Flight time limitations for pilots not regularly assigned.

A pilot not regularly assigned as a flight crewmember for an entire month under the provisions of § 41.321 or § 41.322 must not fly in excess of 100 hours in any 30 consecutive days.

§ 41.324 Deadhead transportation.

The time spent in deadhead transportation to or from duty assignment will not be considered a part of any rest period.

§ 41.325 Other commercial flying.

A pilot shall not do other commercial flying while employed by an air carrier when such flying, in addition to that in scheduled air transportation service will exceed any flight time limitations specified herein.

§ 41.326 Flight time limitations; flight engineer.

When one flight engineer is required, the flight time limitations prescribed in § 41.321 apply. When two or more flight engineers are required, the flight time limitations prescribed in § 41.322 apply.

§ 41.327 Flight time limitations; flight navigator.

The flight time limitations prescribed in § 41.322 apply.

DUTY TIME LIMITATIONS; AIRCRAFT DISPATCHER

§ 41.340 Aircraft dispatcher daily duty time limitations.

(a) The daily duty period for an aircraft dispatcher shall commence at such time as will permit him to become thoroughly familiar with existing and anticipated weather conditions along the route prior to the dispatch of any airplane. He shall remain on duty until all airplanes dispatched by him have completed their flights, or have proceeded beyond his jurisdiction, or until he is relieved by another qualified aircraft dispatcher.

(b) Except as provided in paragraph (c) of this section, the following rules will govern the hours of duty for an aircraft dispatcher, except when circumstances or emergency conditions beyond the control of the air carrier require otherwise:

(1) *Maximum consecutive hours of duty.* No dispatcher shall be scheduled for duty as such for a period of more than 10 consecutive hours.

(2) *Maximum scheduled hours of duty in 24 consecutive hours.* If a dispatcher is scheduled for duty as such for more than 10 hours in a period of 24 hours, he shall be given a rest period of not less than 8 hours at or before the termination of 10 hours of dispatcher duty.

(3) *Dispatcher's time off.* Each aircraft dispatcher shall be relieved from all duty with the air carrier for a period of at least 24 consecutive hours during any 7 consecutive days or the equivalent thereof within any one month.

(c) At duty stations outside the continental limits of the United States designated by the Administrator, a dispatcher may be scheduled for duty for a period of more than 10 consecutive hours in a 24-hour period: *Provided,* That a dispatcher so scheduled shall be relieved from all duty with the air carrier for a period of at least 8 hours during each 24-hour period: *And provided further,* That a dispatcher so scheduled shall not be scheduled for duty for more than 40 hours in any 7 consecutive days.

FLIGHT OPERATIONS

§ 41.351 Operational control.

The air carrier shall be responsible for operational control.

(a) *Joint responsibility of aircraft dispatcher and pilot in command.* The aircraft dispatcher and the pilot in command shall be jointly responsible for the preflight planning, delay, and dispatch release of the flight in compliance with the applicable Civil Air Regulations and operations specifications.

(b) *Responsibility of dispatcher.* The aircraft dispatcher shall be responsible:

(1) For monitoring the progress of each flight and the issuance of instructions and information necessary for the continued safety of the flight.

(2) For the cancellation or redispatch of a flight if, in his opinion or in the opinion of the pilot in command, the flight cannot operate or continue to operate safely as planned or released.

(c) *Responsibility of pilot in command.* (1) The pilot in command shall during flight time be in command of the airplane and crew and shall be responsible for the safety of the passengers, crewmembers, cargo, and airplane.

(2) No pilot shall operate an airplane in a careless and reckless manner so as to endanger life or property.

NOTE: Section 41.351(c) confers on the pilot in command, with respect to matters concerning the operation of the airplane, full control and authority without limitation over all other crewmembers and their duties during flight time, whether or not he holds a valid certificate authorizing him to perform the duties and functions of such other crewmember.

§ 41.352 Operations notices.

Each air carrier shall notify the appropriate operations personnel promptly of all changes in equipment and operating procedures, including known changes in the use of navigational aids, airports, air traffic control procedures and regulations, local airport traffic control rules, and of all known hazards to flight, including icing and other potentially hazardous meteorological conditions and irregularities of ground and navigational facilities.

§ 41.353 Operations schedules.

In establishing flight operations schedules, each air carrier shall allow sufficient time for the proper servicing of airplanes at intermediate stops, and it shall consider the prevailing winds along the particular route and the cruising speed of the type of airplane to be flown which shall not exceed the specified cruising output of the airplane engines.

§ 41.354 Flight crewmembers at controls.

All required flight crewmembers when on flight deck duty shall remain at their respective stations while the airplane is taking off or landing, and while en route except when the absence of one such flight crewmember is necessary for the performance of his duties in connection with the operation of the airplane. All flight crewmembers shall keep their seat belts fastened when at their respective stations.

§ 41.355 Manipulation of controls.

No person other than a qualified pilot of the air carrier shall manipulate the flight controls during flight, except that authorized pilot safety representatives of the Administrator who are qualified on the airplane and are engaged in checking flight operations may, with the permission of the pilot in command, manipulate such controls.

§ 41.356 Admission to flight deck.

No person, other than a crewmember, may be admitted to the flight deck of an airplane except those authorized in paragraphs (a) and (b) of this section. (For the purpose of this section, the term "flight deck" means all of the area forward of the door or window required by Parts 4a and 4b of this chapter (Civil Air Regulations) to be located between the pilot compartment and the passenger compartment.)

(a) FAA air carrier inspectors while in the performance of official duties shall be admitted to the flight deck.

NOTE: Nothing contained in this paragraph shall be construed as limiting the emergency authority of the pilot in command to exclude any person from the flight deck in the interest of safety.

(b) The persons listed below may be admitted to the flight deck when authorized by the pilot in command:

(1) An employee of the Federal Government or of an air carrier or other aeronautical enterprise whose duties are such that his presence on the flight deck is necessary or advantageous to the conduct of safe air carrier operations; or

NOTE: Federal employees who deal responsibly with matters relating to air carrier safety and such air carrier employees as pilots, dispatchers, meteorologists, communication operators, and mechanics whose efficiency would be increased by familiarity with flight conditions may be considered eligible under this requirement. Employees of traffic, sales, and other air carrier departments not directly related to flight operations cannot be considered eligible unless authorized under subparagraph (2) of this paragraph.

(2) Any other person specifically authorized by the air carrier management and an authorized representative of the Administrator.

(c) All persons admitted to the flight deck shall have seats available for their use in the passenger compartment except:

(1) FAA air carrier inspectors or other authorized representatives of the Administrator engaged in checking flight operations;

(2) Air traffic controllers who have been authorized by an authorized representative of the Administrator to observe ATC procedures;

(3) Certificated airmen of the air carrier whose duties with the carrier require an airman certificate;

(4) Certificated airmen of another air carrier whose duties with such carrier require an airman certificate and who have been authorized by the air carrier concerned to make specific trips over the route;

(5) Employees of the air carrier, whose functions are directly related to the conduct or planning of flight operations or the in-flight monitoring of aircraft equipment or operating procedures, but only when their presence in the cockpit is required in the furtherance of such

functions and only when specifically authorized in writing by a responsible supervisor in the operations department of the air carrier, who is listed in the Operations Manual as having such authority; and

(6) Technical representatives of the manufacturer of the airplane or its components whose functions are directly related to the in-flight monitoring of aircraft equipment or operating procedures, but only when their presence in the cockpit is required in the furtherance of such functions and only when specifically authorized in writing by an authorized representative of the Administrator and by a responsible supervisor in the operations department of the air carrier, who is listed in the Operations Manual as having such authority.

§ 41.357 Flying equipment.

(a) *Charts.* The pilot in command shall insure that appropriate aeronautical charts containing adequate information concerning navigational aids and instrument approach procedures are aboard the airplane for each flight.

(b) *Flashlights.* Each required crewmember shall have in his possession on each flight a flashlight in good working order.

§ 41.358 Restriction or suspension of operation.

When conditions known to the air carrier exist which constitute a hazard to the conduct of safe air carrier operations, including airport and runway conditions, the air carrier shall restrict or suspend operations until such hazardous conditions are corrected.

§ 41.359 Operations over approved routes required.

Except when a deviation is necessary in accordance with § 41.360, a pilot shall not operate an air carrier airplane in scheduled air transportation over any route or route segment other than as specified in the operations specifications of the air carrier, nor operate other than in accordance with the limitations prescribed therein.

§ 41.360 Emergency decisions; pilot in command and aircraft dispatcher.

(a) In emergency situations which require immediate decision and action, the pilot in command may follow any course of action which he considers necessary under the circumstances. In such instance the pilot in command, to the extent required in the interest of safety, may deviate from prescribed operations procedures and methods, weather minimums, and the Civil Air Regulations.

(b) If an emergency situation arises during the course of a flight which requires immediate decision and action on the part of the aircraft dispatcher, and which is known to him, he shall advise the pilot in command of such situation. The aircraft dispatcher shall ascertain the decision of the pilot in command and shall cause the same to be made a matter of record. If unable to communicate with the pilot, the dispatcher shall declare an emergency and follow any course of action which he considers necessary under the circumstances.

(c) When emergency authority is exercised by the pilot in command or by the dispatcher, the appropriate air traffic control and dispatch centers shall be kept fully informed regarding the progress of the flight. A written report of any deviation shall be submitted by the individual declaring the emergency to the authorized representative of the Administrator assigned to the air carrier. Such report shall be submitted by a dispatcher within 10 days from the date of the emergency and by a pilot in command within 10 days after his return to his home base.

§ 41.361 Reporting potentially hazardous meteorological conditions and irregularities of ground and navigational facilities.

When any meteorological condition or irregularity of ground or navigational facilities is encountered in flight, the knowledge of which the pilot in command considers essential to the safety of other flights, he shall notify an appropriate ground radio station as soon as practicable. Any such information pertaining to irregularities of ground and navigational facilities shall be reported by the air carrier to the authority immediately responsible therefor.

§ 41.362 Reporting mechanical irregularities.

The pilot in command shall enter or cause to be entered in the maintenance log of the airplane all mechanical irregularities encountered during flight time. He shall, prior to each flight, ascertain the status of any irregularities entered in the log at the end of the last preceding flight.

§ 41.363 Engine failure or precautionary stoppage.

(a) Except as provided in paragraph (b) of this section, when one engine of an airplane fails or where the rotation of an engine of an airplane is stopped in flight as a precautionary measure to prevent possible damage, a landing shall be made at the nearest suitable airport in point of time where a safe landing can be effected.

(b) The pilot in command of an airplane having 4 or more engines may, if not more than one engine fails or the rotation thereof is stopped, proceed to an airport of his selection if, upon consideration of the following factors, he determines such action to be as safe a course of action as landing at the nearest suitable airport:

(1) The nature of the malfunctioning and the possible mechanical difficulties which may be encountered if flight is continued;

(2) The altitude, airplane weight, and usable fuel at the time of engine stoppage;

(3) The weather conditions en route and at possible landing points;

(4) The air traffic congestion;

(5) The type of terrain; and

(6) The familiarity of the pilot with the airport to be used.

(c) When engine rotation is stopped in flight, the pilot in command shall notify the proper ground radio station as soon as practicable and shall keep such station fully informed regarding the progress of the flight.

(d) In cases where the pilot in command selects an airport other than the nearest suitable airport in point of time, he shall, upon completion of the trip, submit a written report, in duplicate, to his operations manager setting forth his reasons for determining that the selection of an airport other than the nearest was as safe a course of action as landing at the nearest suitable airport. The operations manager shall, within 10 days after the pilot's return to his home base, furnish a copy of this report with his own comments thereon to the authorized representative of the Administrator assigned to the air carrier.

§ 41.364 Instrument approach and IFR landing procedures.

No instrument approach or IFR landing shall be conducted at an airport except in accordance with the IFR weather minimums and instrument approach procedures specified in the air carrier's operations specifications.

§ 41.365 Requirements for air carrier equipment interchange.

(a) Prior to conducting any operations pursuant to an interchange agreement authorized by the Civil Aeronautics Board, the air carrier shall show that:

(1) The procedures proposed for the conduct of such operations by the carriers involved conform with the provisions of this subchapter, and with safe operating practices;

(2) All operations personnel involved are familiar with the airplanes and equipment utilized in the interchange and with the communications and dispatching procedures to be used;

(3) All maintenance personnel involved are familiar with the airplanes and equipment, and the maintenance procedures applicable to the interchange;

(4) The flight crew and the dispatchers involved meet the appropriate route and airport qualifications; and

(5) All airplanes operated are essentially similar to those airplanes of the carrier with whom interchange is to be effected with respect to flight instruments and their arrangement and with respect to the arrangement and motion of controls critical to safety, unless the Administrator determines that adequate training programs have been established to insure that any dissimilarities which might be a potential hazard will be safely overcome by flight crew familiarization.

(b) The pertinent provisions and procedures affecting the carriers involved shall be included in their manuals.

§ 41.370 Briefing of passengers.

Each air carrier engaged in extended overwater operations shall insure that all passengers are briefed orally concerning the location and method of operation of life vests and emergency exits and the location of liferafts. The procedure to be followed in presenting this briefing shall be described in the air carrier manual. Such a briefing shall include a demonstration of the method of donning and inflating a life vest.

Where the airplane proceeds directly over water after takeoff, the briefing on location of the life vests and emergency exits shall be accomplished prior to takeoff, and the remainder of the briefing shall be accomplished as soon thereafter as practicable. Where the airplane does not proceed directly over water after takeoff, no part of the briefing need be accomplished prior to takeoff but the entire briefing shall be accomplished prior to reaching the overwater portion of the flight.

§ 41.371 Drinking and serving of alcoholic beverages.

(a) No person shall drink any alcoholic beverage aboard an air carrier airplane unless such beverage has been served to him by the air carrier operating the airplane.

(b) No air carrier shall serve any alcoholic beverage to any person aboard an air carrier airplane if such person appears to be intoxicated.

Dispatching Rules

§ 41.381 Necessity for dispatching authority.

No flight shall be started without specific authority from an aircraft dispatcher. Unless redispatched no flight shall be continued from an intermediate airport when weather conditions are less than those upon which the original dispatch release was based. No flight may be continued from an intermediate airport without redispatch if it has remained on the ground in excess of 6 hours.

§ 41.382 Familiarity with weather conditions.

No dispatcher shall release a flight unless he is thoroughly familiar with existing and anticipated weather conditions along the route to be flown.

§ 41.383 Facilities and services.

The dispatcher shall furnish to the pilot in command all available current reports or information pertaining to irregularities of navigational facilities and airport conditions which may affect the safety of the flight. He shall also furnish such pilot, while en route, any additional available information concerning meteorological conditions and irregularities of facilities and services which may affect the safety of the flight.

§ 41.384 Airplane equipment required for dispatch.

No airplane shall be dispatched unless it is airworthy and equipped in accordance with the provisions of § 41.170.

§ 41.385 Communications and navigational facilities required for dispatch.

No airplane shall be dispatched over any approved route or route segment unless the communications and navigational facilities required by §§ 41.34 and 41.36 for approval of such route or route segment are in satisfactory operating condition.

§ 41.386 Dispatching under VFR.

No airplane shall be dispatched for operation under VFR unless the appropriate weather reports and forecasts, or a combination thereof, indicate that the ceilings and visibilities along the route to be flown are, and will remain, at or above the minimums required for flight under VFR until the flight arrives at the airport or airports of intended landing specified in the dispatch release.

§ 41.387 Dispatching under IFR, over-the-top, or over water.

(a) An airplane shall not be dispatched for operations under IFR or over-the-top unless the appropriate weather reports and forecasts, or a combination thereof, pertaining to the airport or airports to which dispatched indicate that the ceilings and visibilities at such airports will be at or above the minimums specified in the air carrier's operations specifications at the estimated time of arrival thereat.

(b) Extended overwater operations shall be conducted at all times in accordance with the IFR requirements of this part except where the air carrier shows that such requirements are not necessary from a safety standpoint. Other overwater operations shall be conducted at all times in compliance with the IFR requirements of this part whenever the Director determines such compliance to be necessary in the interest of safety.

NOTE: Whenever extended overwater operations are authorized under VFR, or other overwater operations are required to be conducted under IFR, such authorization or requirement will be specified in the operations specifications of the air carrier.

§ 41.388 Alternate airport for departure.

(a) If the weather conditions at the airport of takeoff are below the landing minimums specified in the air carrier's operations specifications for that airport, no airplane shall be dispatched from that airport unless an alternate airport located with respect to the airport of takeoff as follows is specified in the dispatch release: *Provided*, That such alternate need not be selected if the ceiling and visibility, respectively, at the takeoff airport are at least 300 feet and one mile, 400 feet and three-quarters mile, or 500 feet and one-half mile:

(1) *Airplanes having 2 or 3 engines.* Alternate airport located at a distance no greater than one hour of flying time in still air at normal cruising speed with one engine inoperative.

(2) *Airplanes having 4 or more engines.* Alternate airport located at a distance no greater than 2 hours of flying time in still air at normal cruising speed with one engine inoperative.

(b) The alternate airport weather requirements shall be those specified in the air carrier's operations specifications.

(c) All required alternate airports shall be listed in the dispatch release.

§ 41.389 Alternate airport for destination; IFR or over-the-top.

(a) For all IFR or over-the-top operations there shall be at least one alternate airport designated for each airport of destination: *Provided*, That for flights scheduled for no more than 6 hours no alternate need be designated when, for the period 2 hours before to 2 hours after the estimated time of arrival, the ceiling at the airport to which the flight is dispatched is forecast to be at least 1,000 feet above the minimum initial approach altitude applicable to such airport and the visibility at such airport is forecast to be at least 3 miles: *Provided further*, That no alternate airport need be designated for a particular airport if the airplane carries sufficient fuel to meet the requirements of § 41.396(a) (2) or § 41.396(b)(2), as appropriate.

(b) The alternate airport weather requirements shall be those specified in the air carrier's operations specifications.

(c) All required alternate airports shall be listed in the dispatch release.

§ 41.390 Alternate airport weather minimums.

An airport shall not be specified in the dispatch release as an alternate airport unless the appropriate weather reports and forecasts, or a combination thereof, indicate that the ceilings and visibilities will be at or above the alternate minimums specified in the air carrier's operations specifications for such airport when the flight shall arrive thereat.

§ 41.391 Continuance of flight; flight hazards.

(a) No airplane shall be continued in flight toward any airport to which it has been dispatched when, in the opinion of the pilot in command or the aircraft dispatcher, the flight cannot be completed with safety, unless in the opinion of the pilot in command there is no safer procedure. In the latter event, continuation shall constitute an emergency situation as set forth in § 41.360.

(b) If any instrument or item of equipment required pursuant to the Civil Air Regulations for the particular operation being conducted becomes unserviceable en route, the pilot in command shall comply with the procedures specified in the air carrier manual for such occurrence: *Provided*, That the Director may authorize an air carrier to incorporate in its air carrier manual approved procedures for the continued operation of an airplane beyond a scheduled terminal point if the carrier shows that, in the particular circumstances of the case, literal compliance with the requirements of § 41.170(c) is not necessary in the interest of safety.

§ 41.392 Operation in icing conditions.

(a) An airplane shall not be dispatched, en route operations continued, or landing made when, in the opinion of the pilot in command or aircraft dispatcher, icing conditions are expected or encountered which might adversely affect the safety of the flight.

(b) No airplane shall take off when frost, snow, or ice is adhering to the wings, control surfaces, or propellers of the airplane.

§ 41.393 Original dispatch, redispatch, and continuance of flight.

(a) Any regular, provisional, or refueling airport, the use of which is authorized for the type of airplane to be operated, may be specified as a destination for the purpose of original dispatch.

(b) An airport specified as a destination or alternate for the purpose of original dispatch may be changed en route to another airport which is authorized for the type of airplane to be operated if the appropriate requirements of §§ 41.381 through 41.409 and § 41.70 or § 41.90 are met at the time of redispatch.

(c) No flight shall be continued to any airport to which it has been dispatched unless the weather conditions at an alternate airport specified in the dispatch release are forecast to be at or above the alternate minimums specified in the air carrier's operations specifications for such airport when the flight shall arrive thereat: *Provided*, That the dispatch release may be amended en route to include any approved alternate airport lying within the fuel range of the airplane as specified in §§ 41.396 and 41.397.

(d) When the dispatch release is amended while the airplane is en route, such amendments shall be made a matter of record.

§ 41.394 Dispatch to and from refueling and provisional airport.

(a) No aircraft dispatcher shall dispatch an airplane to a refueling or provisional airport unless such airport complies with all of the requirements of this part pertinent to regular airports.

(b) Dispatch from a refueling or provisional airport shall be accomplished in accordance with the same regulations governing dispatch from a regular airport.

§ 41.395 Takeoffs and landings at alternate airports and at airports not listed in the operations specifications.

A pilot shall not takeoff or land an airplane at an alternate airport or an airport not listed in the air carrier's operations specifications other than in accordance with the takeoff and landing minimums and conditions prescribed in the air carrier's operations specifications for such airports.

§ 41.396 Fuel supply for all operations.

(a) *Reciprocating-engine- and turbo-propeller-powered airplanes.* (1) No airplane shall be dispatched to an airport for which there is an available alternate unless it carries sufficient fuel:

(i) To fly to and land at the airport to which dispatched, and thereafter;

(ii) To fly to and land at the most distant alternate designated in the dispatch release, and thereafter;

(iii) To fly for a period of at least 30 minutes plus 15 percent of the total time required to fly at normal cruising consumption to the airports specified in subdivisions (i) and (ii) of this subparagraph or to fly for 90 minutes at normal cruising consumption, whichever is lesser.

(2) No airplane shall be dispatched to an airport for which an alternate has not been designated unless it carries sufficient fuel, considering wind and other weather conditions expected, to fly to that airport and thereafter to fly for at least 3 hours at normal cruising consumption.

(b) *Turbine-powered airplanes.* (1) A turbine-powered airplane (exclusive of turbo-propeller-powered airplanes) may be dispatched or take off only if it carries sufficient fuel, considering the wind and other weather conditions expected:

(i) To fly to and land at the next point of landing specified in the clearance, and thereafter;

(ii) To fly for a period equal to 10 percent of the total time required to fly from the point of dispatch to the next point of landing specified in the clearance, and land at such airport; and thereafter

(iii) To fly to and land at the most distant alternate airport designated for that point in the clearance, and thereafter;

(iv) To fly for a period of 30 minutes at holding speed at 1,500 feet above the alternate airport elevation under standard temperature conditions.

(2) No airplane shall be dispatched to an airport for which an alternate has not been designated unless it carries sufficient fuel, considering wind and other weather conditions expected, to fly to that point and thereafter to fly for at least 2 hours at normal cruising consumption.

(3) The Director will amend the operations specifications of an air carrier to require fuel in excess of any of the minimums specified in this paragraph if he finds that additional fuel is necessary on a particular route in the interest of safety.

§ 41.397 Factors involved in computing fuel required.

In computing the fuel required, consideration shall be given to the wind and other weather conditions forecast, traffic delays anticipated, an instrument approach and possible missed approach at destination, and any other conditions which might delay the landing of the airplane. Required fuel shall be additional to unusable fuel.

§ 41.405 Takeoff and landing weather minimums; VFR.

Irrespective of any clearance which may be obtained from air traffic control, no pilot shall take off or land an airplane under VFR when the reported ceiling or ground visibility is less than specified below: *Provided*, That where a local surface restriction to visibility exists, such as smoke, dust, or blowing snow or sand, the visibility for night operations may be reduced to one mile, if all turns after takeoff and prior to landing and all flight beyond a mile from the airport boundary can be accomplished above or outside the area so restricted.

(a) For day operations: 1,000-foot ceiling and one-mile visibility;

(b) For night operations: 1,000-foot ceiling and two-mile visibility.

§ 41.406 Takeoff and landing weather minimums; IFR.

(a) Irrespective of any clearance which may be obtained from air traffic control, no pilot shall:

(1) Take off an airplane under IFR when the reported ceiling or ground visibility is less than that specified in Part 609 of the Regulations of the Administrator or the air carrier's operations specifications for the particular airport, or

(2) Except as provided in paragraphs (c) and (d) of this section, land an airplane under IFR when the reported ceiling or ground visibility is less than that specified in Part 609 of the Regulations of the Administrator or the air carrier's operations specifications for the particular airport.

(b) Except as provided in paragraphs (c) and (d) of this section, no instrument approach procedure shall be executed when the latest reported ceiling or visibility is less than the landing minimum specified in Part 609 of this title (Regulations of the Administrator) or the air carrier's operations specifications for the particular airport.

(c) An instrument approach procedure may be executed when the latest reported ceiling or visibility, or both, is less than that specified in Part 609 of this title (Regulations of the Administrator) or the air carrier's operations specifications for landing at the particular airport, if the airport is served by ILS and GCA (PAR) in operative condition and the pilot uses one facility as the primary aid, and the other as a monitoring aid; and thereafter a landing may be made, provided the pilot in command upon reaching the authorized landing minimum altitude finds that actual weather conditions are equal to or better than the specified minimums for the primary aid.

(1) The instrument approach shall be conducted in accordance with the information provided the pilot in command from the primary aid and the applicable landing minimums shall be those prescribed in the operations specifications based on the operative components of the primary aid. When GCA (PAR) is used as a secondary aid, the procedures specified in the Radar Procedures for Air Traffic Control Towers for monitored approaches shall apply.

(2) The ILS and PAR must be aligned with the same runway and both the elevation and azimuth (or localizer and glide slope) elements of the secondary aid must be operating.

(3) The use of operational military radar (other than training units) as a secondary aid is permissible without individual authorizations.

(d) If an instrument approach procedure is initiated when the latest weather report indicates that the specified ceiling and visibility minimums exist and a later weather report indicating below minimum conditions is received after the airplane (1) is on an ILS final approach and has passed the outer marker, or (2) is on a final approach using a radio range station or comparable facility and has passed the appropriate facility and has reached the authorized landing minimum altitude, or (3) is on PAR final approach and has been turned over to the final approach controller, such ILS, Range, or PAR approach may be continued and a landing may be made, provided the pilot in command upon reaching the authorized landing minimum altitude finds that actual weather conditions are equal to or better than the minimum specified for the particular airport in Part 609 of this title (Regulations of the Administrator) or the air carrier's operations specifications.

§ 41.407 Applicability of reported weather minimums.

In the conduct of operations subject to §§ 41.405 and 41.406, the ceiling and visibility values contained in the main body of the latest weather report furnished by the U.S. Weather Bureau or a source approved by the Weather Bureau shall be the controlling criteria for VFR and IFR takeoffs and landings and for instrument approach procedures on all runways of an airport; except that when the latest report furnished by the U.S. Weather Bureau or a source approved by it, including an oral report from the control tower, contains a visibility value specified as runway visibility for a particular runway of an airport, such specified value shall be controlling for VFR and IFR landings and takeoffs and straight-in instrument approaches.

NOTE: Information reflecting the official runway visibility observations reported by the control tower operator may be obtained from the office of the U.S. Weather Bureau for the airport concerned. Such office maintains a continuous graph recording of the runway visibility shown on the visibility meter in the control tower.

§ 41.408 Flight altitude rules.

Notwithstanding the provisions of § 60.17 of the Civil Air Regulations or other rules applicable outside of the United States, no air carrier airplane shall be operated anywhere in air carrier operations below the minimums prescribed in paragraphs (a) and (b) of this section: *Provided*, That the Director may prescribe other minimum en route altitudes for any route or portion thereof where he finds, after considering the character of the terrain being traversed, the quality and quantity of meteorological service, the navigational facilities available, and other flight conditions, that the safe conduct of flight requires such other altitudes.

NOTE: Minimum en route altitudes (MEA's) prescribed by the Director for particular routes within the United States are set forth in Part 610 of this title (Regulations of the Administrator). That part also contains the mountainous terrain designated by the Administrator. Outside of the United States the minimums prescribed in paragraphs (a) and (b) of this section will govern unless higher minimums are prescribed in the air carrier's operations specifications or by the foreign country over which the airplane is being operated.

(a) *Day VFR passenger operations.* No airplane engaged in passenger operations shall be flown at an altitude less than 1,000 feet above the surface or less than 1,000 feet from any mountain, hill, or other obstruction to flight.

(b) *Night VFR or IFR operations including over-the-top.* No airplane shall be flown at an altitude less than 1,000 feet above the highest obstacle located within a horizontal distance of 5 miles from the center of the course intended to be flown or, in mountainous terrain designated by the Administrator, 2,000 feet above the highest obstacle located within a horizontal distance of 5 miles from the center of the course intended to be flown: *Provided*, That in VFR operations at night in such mountainous areas airplanes may be flown over an approved lighted airway at a minimum altitude of 1,000 feet above such obstacles.

§ 41.409 Altitude maintenance on initial approach.

When making an initial approach to a radio navigational facility under IFR, a pilot shall not descend below the pertinent minimum altitude for initial approach specified in the instrument approach procedure for such facility until arrival over the radio facility has been definitely established.

§ 41.410 Preparation of dispatch release.

A dispatch release shall be prepared for each flight between specified points from information furnished by the authorized aircraft dispatcher. This release shall be signed by the pilot in command and by the authorized aircraft dispatcher only when both believe the flight can be made with safety. The aircraft dispatcher may delegate authority to sign such release for a particular flight, but he shall not delegate the authority to dispatch.

§ 41.411 Preparation of load manifest.

The air carrier shall be responsible for the preparation and accuracy of a load manifest form prior to each takeoff. This form shall be prepared by personnel of the air carrier charged with the duty of supervising the loading of airplanes and the preparation of load manifest forms or by other qualified persons authorized by the air carrier.

REQUIRED RECORDS AND REPORTS

§ 41.501 Crewmember and dispatcher records.

Each air carrier shall maintain current records of every crewmember and aircraft dispatcher. These records shall contain such information concerning the qualifications of each such crewmember and dispatcher as is necessary to show compliance with the appropriate requirements of the regulations of this subchapter, e.g., proficiency and route checks, airplane and route qualifications, training, physical examinations, and flight time records. The disposition of any flight crewmember or aircraft dispatcher released from the employ of the air carrier, or who becomes physically or professionally disqualified, shall be indicated in these records which shall be retained by the air carrier for at least 6 months.

§ 41.502 Dispatch release form.

(a) The dispatch release may be in any form but shall contain at least the following information with respect to each flight:

(1) Identification number of the airplane to be used, and the trip number;

(2) Airport of departure, intermediate stops, destination, and alternates therefor;

(3) Minimum fuel supply; and

(4) Type of operation, e.g., IFR, VFR.

(b) The dispatch release shall contain, or have attached thereto, weather reports, available weather forecasts, or a combination thereof, for the destination, intermediate stops, and alternates specified therein which shall be the latest available at the time the dispatch release is signed. It shall include such additional weather reports and forecasts, as available, considered necessary or desirable by the pilot in command or aircraft dispatcher.

§ 41.503 Load manifest.

(a) The load manifest shall contain at least the following information with respect to the loading of an airplane at the time of takeoff:

(1) The weight of:

(i) Airplane,

(ii) Fuel and oil,

(iii) Cargo, including mail and baggage, and

(iv) Passengers;

(2) The maximum allowable weight applicable for the particular flight;

(3) The total weight computed in accordance with approved procedures; and

(4) Evidence that the airplane is loaded in accordance with an approved schedule which insures that the center of gravity is within approved limits.

(b) The load manifest shall be prepared and signed for each flight by qualified personnel of the air carrier charged with the duty of supervising the loading of the airplane and the preparation of load manifest forms, or by other qualified personnel authorized by the air carrier.

§ 41.504 Disposition of load manifest, dispatch release form, and flight plans.

Copies of the completed load manifest, or information therefrom except with respect to cargo and passenger distribution, the dispatch release form, and the flight plan shall be in the possession of the pilot in command and shall be carried in the airplane to its destination. Copies also shall be kept for at least 3 months.

§ 41.505 Maintenance records.

(a) Each air carrier shall keep at its principal maintenance base current records of the total time in service, the time since last overhaul, and the time since last inspection of all major components of the airframe, engines, propellers, and appliances.

(b) Records of total time in service may be discontinued when it has been shown that the service life of component parts is safely controlled by other means, such as inspection, overhaul, or parts retirement procedures. The Director may require the keeping of total time records for specific parts when it is found that other procedures will not safely limit the service life of such parts.

(c) An airplane component, engine, propeller, or appliance for which complete records are not available may be placed in service, provided that:

(1) It is of a type for which total time-in-service records are not required under the provisions of paragraph (b) of this section;

(2) Parts which are limited by the Director or manufacturer to a specific service time are retired and replaced by new parts; and

(3) It has been properly overhauled or rebuilt, and a record of such overhaul or

rebuilding is included in the maintenance records.

§ 41.506 Maintenance log.

A legible record shall be made in the airplane's maintenance log of the action taken in each case of reported or observed failures or malfunctions of airframes, engines, propellers, and appliances. The air carrier shall establish an approved procedure for retaining an adequate number of such records in the airplane in a place readily accessible to the flight crew and shall incorporate such procedure in the air carrier manual. The maintenance log shall contain information from which the flight crew may readily determine the time since last overhaul of the airframe and engines.

§ 41.507 Daily mechanical reports.

(a) Whenever a failure, malfunctioning, or other defect is detected in flight or on the ground in an airplane or airplane component which may reasonably be expected by the air carrier to cause a serious hazard in the operation of any airplane, a report shall be made of such failure, malfunctioning, or other defect to the authorized representative of the Administrator assigned to the air carrier. This report shall cover a 24-hour period beginning and ending at midnight, shall be submitted by 12 o'clock midnight of the following working day, or sooner if the seriousness of the malfunction or difficulty so warrants, and shall include as much of the following information as is available on the first daily report following such incidents:

(1) Type and FAA identification number of the airplane, name of air carrier, and date;

(2) Emergency procedure effected: unscheduled landing, dumping fuel, etc.;

(3) Nature of condition: fire, structural failure, etc.;

(4) Identification of part and system involved, including the type designation of the major component;

(5) Apparent cause of trouble: wear, cracks, design deficiency, personnel error, etc.;

(6) Disposition: repaired, replaced, airplane grounded, etc.; and

(7) Brief narrative summary to supply any other pertinent data required for more complete identification, determination of seriousness, corrective action, etc.

(b) These reports shall not be withheld pending accumulation of all of the information specified in paragraph (a) of this section. When additional information is obtained relative to the incident, it shall be expeditiously submitted as a supplement to the original report, reference being made to the date and place of submission of the first report.

§ 41.508 Mechanical interruption summary report.

Each air carrier shall submit regularly and promptly to the Administrator a summary report containing information on the following occurences:

(a) All interruptions to a scheduled flight, unscheduled changes of airplanes en route, and unscheduled stops and diversions from route which result from known or suspected mechanical difficulties or malfunctions.

(b) The number of engines removed prematurely because of mechanical trouble, listed by make and model of engine and the airplane type in which the engine was installed.

(c) The number of propeller featherings in flight, listed by type of propeller and type of engine and the airplane on which the propeller is installed. Propeller featherings accomplished for training, demonstration, or flight check purposes need not be reported.

§ 41.509 Alteration and repair reports.

Reports of major alterations or repairs of airframes, engines, propellers, and appliances shall be submitted to the authorized representative of the Administrator assigned to the air carrier promptly upon completion of such alterations or repairs.

§ 41.510 Maintenance release.

When an airplane is released by the maintenance organization to flight operations, a maintenance release or appropriate entry into the maintenance log certifying that the airplane is in an airworthy condition shall be prepared and signed by a maintenance inspector or a person authorized by the inspection organization prior to release of such airplane. If a maintenance release form is prepared, a copy shall be given to the pilot in command. An appropriate record shall be kept for at least 2 months.

§ 41.511 Communication records.

Each air carrier shall maintain, and retain for a period of 30 days, records of radio contacts between the air carrier and its pilots en route.

APPENDIX A—REQUIREMENTS FOR APPROVAL OF FIRST-AID AND SURVIVAL EQUIPMENT

First-aid and survival equipment which meet the following specifications and requirements are approved:

1. *First-aid kits required by § 41.173.* Each first-aid kit shall be dust and moisture proof, contain only materials which meet Federal Specifications GG–K–391a, as revised. First-aid kits shall be provided in accordance with the following requirements:

(a) No. 1 kit for airplanes of 1 to 5 persons capacity.

Adhesive bandage compresses, 1-inch (16 per unit)	1
Antiseptic swabs, 10 mm. (10 per unit)	1
Ammonia inhalants, 6 mm. (10 per unit)	1
2-inch bandage compresses (4 per unit)	1
4-inch bandage compresses (1 per unit)	1
Triangular bandage compressed, 40-inch (1 per unit)	2
Burn compound, ⅛ oz. (5 per unit) or equivalent amount of other burn remedy	1
Ophthalmic ointment, ⅛ oz. (6 per unit)	1

(b) No. 2 kit for airplanes of 6 to 25 persons capacity.[1]

Adhesive bandage compresses, 1-inch (16 per unit)	2
Antiseptic swabs, 10 mm. (10 per unit)	2
Ammonia inhalants, 6 mm, (10 per unit)	1
2-inch bandage compresses (4 per unit)	3
4-inch bandage compresses (1 per unit)	2
Triangular bandage compressed, 40-inch (1 per unit)	3
Burn compound, ⅛ oz. (6 per unit) or equivalent amount of other burn remedy	2
Ophthalmic ointment, ⅛ oz. (6 per unit)	1

(c) No. 3 kit for airplanes of 26 to 90 persons capacity.

Adhesive bandage compresses, 1-inch (16 per unit)	4
Antiseptic swabs, 10 mm. (10 per unit)	4
Ammonia inhalants, 6 mm. (10 per unit)	2
2-inch bandage compresses (4 per unit)	3
4-inch bandage compresses (1 per unit)	3
Triangular bandage compressed, 40-inch (1 per unit)	5
Burn compound, ⅛ oz. (6 per unit) or an equivalent amount of other burn remedy	2
Ophthalmic ointment, ⅛ oz. (6 per unit)	1

(d) For airplanes of more than 90 persons capacity, two No. 3 kits shall be required.

2. *Survival equipment required by § 41.206 for extended overwater operations.* The following survival equipment shall be provided on extended overwater operations for each liferaft:

1 No. 2 first-aid kit (from airplane.)
1 flashlight (from airplane).
100 doses of a motion sickness remedy.
Sunburn protective sufficient to cover the faces of 75 percent of the occupants.
3 shark repellent,
3 containers of sea marker dye,
1 canopy (for protection from the elements),
1 liferaft repair kit,
Radar reflectors (or similar device),
1 bailing bucket,
1 sea anchor,
1 signaling mirror,
1 police whistle,
1 raft knife,
Such CO_2 bottle(s) as required for initial inflation of the liferaft,
1 inflation pump,
2 oars (for other than large oval-shaped rafts),
1 magnetic compass,
1 pyrotechnic pistol and 6 cartridges or 6 day/night type flares,
5 water storage bags,
1 fishing kit,
1 book on survival appropriate for area,
1 75-foot line (250 lbs. tension strength) fitted with a floatable device at one end,
2,000 calories supply emergency food ration per occupant (Food and water supplies may be stored in a separate floatable container, and
1 sea water desalting kit for each 2 persons the liferaft is authorized to carry, or 2 pints of water per occupant,

3. *Survival equipment required by § 41.208.* When the type of operation requires more than one class of equipment it will not be necessary to carry more than one supply of items duplicated in another list. The equipment specified herein shall be carried in one or more containers and in such a location as to make it readily available in the event of forced landing and subsequent evacuation from the airplane.

(a) *Tropical land areas.* The following equipment shall be provided for operations over tropical land areas;

1 first-aid kit (from airplane),
1 flashlight (from airplane),
1 machete,
1 axe (from airplane),
Sufficient insect repellant to cover the hands and faces of all occupants,
2 pints of drinking water for each occupant,
Sufficient water purification tablets to treat 5 quarts of water per occupant,
1 waterproof box of matches,
1 magnetic compass,
1 signaling mirror,

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[1] Kit No. 2 in canvas may also be used on liferafts.

1 pyrotechnic pistol and 6 cartridges or 6 day/night type flares,
1 mosquito headnet for each occupant,
1 hunting knife,
1 small-bore rifle and cartridges; or revolver and cartridges.
1 fishing kit,
1 snake-bite kit,
1 book on jungle survival,
200 feet nylon rope with strength of 250 pounds, and
500 calories supply emergency food ration per occupant.

(b) *Frigid land areas.* The following equipment shall be provided for operations over frigid land areas:

1 first-aid kit (from airplane),
1 flashlight (from airplane),
1 machete,
1 axe (from airplane),
1 mosquito headnet for each occupant,
Sufficient insect repellent to cover the hands and faces of all occupants,
1 blanket for each occupant,
2 pairs of snowshoes,
2 pairs of Arctic shoes,
2 pairs of gloves,
6 pairs of sunglasses,
1 book on Arctic survival,
1 waterproof box of matches,
1 magnetic compass,
Sufficient water purification tablets to treat 5 quarts of water per occupant,
1 signaling mirror,
1 pyrotechnic pistol and 6 cartridges; or 6 day/night type flares,
1 small bore rifle and cartridges; or revolver and cartridges,
1 hunting knife,
2,000 calories supply emergency food ration per occupant,
1 fishing kit,
200 feet nylon rope with strength of 250 pounds, and
A supply of ½ pint of drinking water per person.

[F.R. Doc. 60-11115; Filed, Nov. 30, 1960; 8:45 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 60-LA-88]

FEDERAL AIRWAYS AND CONTROL AREAS

Modification of Federal Airways, Associated Control Areas and Control Area Extension; Revocation of Control Area Extension

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 601 and §§ 600.6105, 600.6202, 601.6202 and 601.1441 of the regulations of the Administrator, the substance of which is stated below.

The Tucson, Ariz., control area extension (§ 601.1186) is designated as the airspace within 5 miles either side of the west course of the Tucson radio range extending from the radio range station to a point 25 miles west and the airspace south of Tucson bounded on the north by Green Federal airway No. 5, on the northeast by VOR Federal airway No. 66, on the west and south by VOR Federal airway No. 202, and the airspace in the southwest quadrant of the Tucson radio range lying within a 30-mile radius of the radio range station. The portion of this control area extension which lies within the geographic limits of and between the designated altitudes of the Sahuarita Restricted Area (R-310) shall be used only after obtaining prior approval from the Federal Aviation Agency Air Traffic Control during this restricted area's time of designation.

The Tucson, Ariz., control area extension (§ 601.1441) is designated as the airspace northeast of Tucson bounded on the north by VOR Federal airway No. 94, on the southeast by VOR Federal airway No. 202, and on the south and southwest by VOR Federal airway No. 16.

VOR Federal airway No. 105 extends in part from the Tucson, Ariz., VORTAC via the intersection of the Tucson VORTAC 273° and the Casa Grande, Ariz., VOR 158° True radials to the Casa Grande VOR.

VOR Federal airway No. 202 extends from the Tucson, Ariz., radio range station via the point of intersection of a straight line bearing 157° True from the Tucson radio range station with the Cochise, Ariz., VOR 257° True radial; the Cochise VOR; the San Simon, Ariz., VOR; to the Truth or Consequences, N. Mex., VOR.

The Federal Aviation Agency has under consideration the modification of the Tucson control area extensions by combining them into one control area extension (§ 601.1441), and including additional area to the south and west. It is also proposed to realign Victor 105 from the Tucson VORTAC via the intersection of the Tucson VORTAC 273° and the Casa Grande VOR 146° True radials; to the Casa Grande VOR; and to revoke the segment of Victor 202, and its associated control areas between Tucson and Cochise.

The portion of the Tucson control area extension to the south and west of Tucson would provide protection to aircraft executing revised departure procedures from Davis-Monthan Air Force Base. The portion northeast of Tucson is used by Davis-Monthan RAPCON for radar vectoring aircraft arriving and departing the Tucson terminal area. The realignment of Victor 105 as proposed would reduce the airway mileage between Phoenix and Tucson, facilitate approaches to Tucson from the west and departures from Davis-Monthan AFB to the west, and permit radar surveillance of the entire holding pattern airspace west of Tucson at the intersection of the Tucson VORTAC 273° and the Casa Grande VOR 146° True radials. The control areas associated with Victor 105 are so designated that they would automatically conform to the modified airway. Accordingly, no amendment relating to control areas associated with Victor 105 would be necessary.

A Federal Aviation Agency IFR peak-day airway traffic survey for the period July 1, 1959, through June 30, 1960, shows that there were no aircraft movements on the segment of Victor 202 between Tucson and Cochise. In addition, the exceptionally high minimum reception altitude on the segment of Victor 202 between Tucson and the Mescal, Ariz., Intersection makes use of this segment of the airway impractical. It appears, therefore, that retention of the segment of Victor 202 between Tucson and Cochise is unjustified as an assignment of airspace.

If these actions are taken:

1. The Tucson, Ariz., control area extension (§ 601.1441), would be redesignated as the area southwest of Tucson bounded on the northeast by VOR Federal airway No. 66, on the south and west by a line connecting points at latitude 31°47′00″ N., longitude 110°20′00″ W., latitude 31°38′00″ N., longitude 111°02′00″ W., latitude 31°52′00″ N., longitude 112°06′00″ W., and latitude 32°37′00″ N., longitude 112°06′00″ W.; and the area northeast of Tucson bounded on the north by VOR Federal airway No. 94, on the southeast by VOR Federal airway No. 202, and on the south and southwest by VOR Federal airway No. 16. The portion of this control area extension which would coincide with the Sahuarita, Ariz., Restricted Area (R-310) would be used only after obtaining prior approval from the Federal Aviation Agency Air Route Traffic Control Center.
2. VOR Federal airway No. 105 would be redesignated from the Tucson, Ariz., VORTAC via the intersection of the Tucson VORTAC 273° and the Casa Grande, Ariz., VOR 146° True radials; to the Casa Grande VOR.
3. The segment of VOR Federal airway No. 202 and its associated control areas from Tucson, Ariz., to Cochise, Ariz., would be revoked.
4. The Tucson, Ariz., control area extension (§ 601.1186) would be revoked.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation

Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on November 23, 1960.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 60-11142; Filed, Nov. 30, 1960; 8:45 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 60-NY-109]

CONTROL ZONES

Designation

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 601 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency has under consideration the designation of a control zone at Ithaca, N.Y. It is proposed to designate a control zone from 0500 to 2400 hours daily local time, within a 5-mile radius of the Tompkins County Airport (latitude 42°29′25″ N., longitude 76°27′30″ W.), and within 2 miles either side of the 305° True radial of the Ithaca VOR extending from the 5-mile radius zone to 12 miles northwest of the VOR. This proposed control zone would provide protection for aircraft conducting prescribed instrument approach and departure procedures at the Tompkins County Airport during the period when weather observations are taken. Communications within the proposed control zone would be handled by the Elmira, N.Y., approach control facility.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on November 23, 1960.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 60-11141; Filed, Nov. 30, 1960; 8:45 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Foreign Assets Control

IMPORTATION OF CERTAIN MERCHANDISE DIRECTLY FROM HONG KONG

Available Certifications by the Government of Hong Kong

Notice is hereby given that certificates of origin issued by the Department of Commerce and Industry of the Government of Hong Kong under procedures agreed upon between that Government and the Foreign Assets Control are available with respect to the importation into the United States directly, or on a through bill of lading, from Honk Kong of the following additional commodities:

Cloisonneware.
Feather manufactures.
Linen manufactures.
Po Chun Balm.
Rickshaws.
White Flower Oil (Pak Fah Yeow).

Notice is also given that certificates of origin are now available for white ceramics only. This notice supersedes the previous notice of the availability of certificates of origin for the item "ceramics," which was published in the Federal Register on June 1, 1955.

[SEAL] Margaret W. Schwartz,
Acting Director,
Foreign Assets Control.

[F.R. Doc. 60-11218; Filed, Nov. 30, 1960; 8:53 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Document No. 231]

ARIZONA

Notice of Proposed Withdrawal and Reservation of Lands

The Corps of Engineers, U.S. Department of the Army, on behalf of the Department of the Air Force, has filed an application, Serial No. AR-027964, for the withdrawal of the lands described below from all forms of appropriation under the public land laws, including the mining laws, the mineral leasing laws and the grazing regulations, subject to valid existing rights.

The applicant desires the lands in connection with the construction of a missile site and appurtenances thereto for national defense purposes.

For a period of thirty (30) days from the date of publication of this notice, all persons who wish to submit comments, suggestions or objections in connection with the proposed withdrawal may present their views in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, P.O. Box 148, Phoenix, Arizona. All submittals should be in triplicate.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced. The determination of the Secretary of the Interior on the allowance of the application will be published in the Federal Register. A separate notice will be sent to any interested parties of record.

Gila and Salt River Meridian

T. 12 S., R. 9 E.,
  Sec. 19: SE¼;
  Sec. 20: NW¼SW¼.

The area described totals approximately 200 acres.

Dated: November 22, 1960.

E. I. Rowland,
State Supervisor.

[F.R. Doc. 60-11144; Filed, Nov. 30, 1960; 8:45 a.m.]

[Document No. 232]

ARIZONA

Notice of Filing of Arizona Protraction Diagrams; Correction

In Federal Register Document 60-10693, appearing on page 10955 of the issue for Thursday, November 17, 1960, the description for Protraction Diagram No. 61 should read as follows:

No. 61

T. 1 S., R. 11 E.
T. 1 N., Rs. 11 and 12 E.
Ts. 2, 3 and 4 N., Rs. 9 through 12 E.
T. 5 N., Rs. 9 and 10 E.
T. 6 N., R. 10 E.

Dated: November 23, 1960.

E. I. Rowland,
State Supervisor.

[F.R. Doc. 60-11145; Filed, Nov. 30, 1960; 8:45 a.m.]

[No. 506]

CALIFORNIA

Small Tract Classification; Partial Revocation and Order Providing for Opening of Public Lands

November 17, 1960.

1. Effective immediately, the following described lands listed under paragraph 1 of Federal Register Document 57-218, appearing on pages 245 and 246 of the issue for January 11, 1957, are hereby revoked from the classification order.

Mount Diablo Meridian

T. 33 N., R. 9 W.,
  Section 7: NE¼NE¼SE¼;
  Section 8: E½NW¼, SW¼NE¼, SE¼NE¼;
  Section 27: S½SE¼NE¼, NW¼SE¼NE¼;
  Section 34: NE¼NE¼.
T. 33 N., R. 10 W.,
  Section 13: Lot 3 (formerly N½NE¼NE¼ NE¼).
Containing 245 acres.

2. The lands are located generally in the vicinity of Weaverville, California, the county seat of Trinity County. The topography is gently undulating to very steep. Soils consist of reddish brown gravelly clay with a vegetative cover of scrub oak, digger pine and manzanita and ponderosa pine.

3. No application for these lands will be allowed under the Small Tract Act, Homestead, Desert Land, or any other nonmineral public land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified under consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

4. Subject to any valid existing rights and the requirements of applicable laws, the lands described herein are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws presented prior to 10:00 a.m. on December 22, 1960 will be considered as simultaneously filed at that hour. Any rights under such applications filed will be governed by the time of filing.

(1) All applications shall be subject to those from persons having prior existing valid settlement rights, preference rights conferred by existing law, or equitable claims subject to allowance and confirmation.

(2) Persons claiming preference rights must submit evidence of their entitlement.

5. The lands have been open to applications and offers under the mineral leasing laws. They will be open to location under the U.S. Mining laws beginning at 10:00 a.m. on May 17, 1961. Locations made prior thereto shall be invalid.

6. Inquiries shall be addressed to the Manager, Land Office, Room 1000, California Fruit Building, Fourth and J Streets, Sacramento 14, California.

R. G. Sporleder,
Officer-in-Charge, Northern Field Group, Sacramento, California.

[F.R. Doc. 60-11146; Filed, Nov. 30, 1960; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[No. 33434]

MIDDLE ATLANTIC AND NEW ENGLAND TERRITORY

Detention of Motor Vehicles

It appearing, that Middle Atlantic Conference petitioned the Commission to prescribe a rule proposed by it to govern charges for, and practices in connection with, the detention of vehicles incident to the loading or unloading of truckload shipments, to apply to all common carriers by motor vehicle operating in Middle Atlantic Territory and between that Territory and New England; that notice of said petition, together with the text of the rule proposed by said petitioner, was published in the Federal Register on August 11, 1960, at 25 F.R. 7664 permitting the filing of representations in support of or in objection to said rule; and that such representations have been filed;

It further appearing, that on October 25, 1960, the Commission instituted an investigation naming all common carriers of property by motor vehicle operating in the territories referred to in the next preceding paragraph, respondents, and providing for a hearing to afford said respondents and any other interested persons an opportunity to present evidence to determine whether the Commission should prescribe a rule which would be applicable for determining the charges for the detention of motor vehicles by consignors or consignees in said territories; and that said order was published in the Federal Register on November 4, 1960, at 25 F.R. 10585;

And it further appearing, that this proceeding is one peculiarly susceptible to handling under special rules of procedure and that such rules will result in a more efficient and expeditious presentation of the evidence herein; and that such rules governing matters of practice and procedure need not be the subject of notice and hearing under section 5A of the Administrative Procedure Act;

It is ordered: That all persons, including respondents, desiring to participate in this proceeding shall notify the Secretary of the Commission at Washington, D.C. on or before December 12, 1960 by a writing which shall identify this proceeding by its docket number and title, specifically state an intention to participate therein, and set forth the name and address of the person to whom communications respecting this proceeding shall be made and upon whom service of pleadings evidence, notices, orders and other documents filed in this proceeding shall be made;

It is further ordered: That on or before December 27, 1960 the Secretary of the Commission shall cause to be mailed to each person who has given notice as provided in the first ordering paragraph hereof a list (hereinafter called Service List) of all persons who have given notice as so provided, together with the text of the rule proposed by Middle Atlantic Conference;

It is further ordered: That any person who has given notice as provided in the first ordering paragraph hereof who desires to submit evidence in support of the said rule shall do so by filing three (3) copies thereof in the form of verified statements with the Secretary of the Commission and serve copies of the same upon persons named on the Service List on or before January 30, 1961;

It is further ordered: That any person who has given notice as provided in the first ordering paragraph hereof who desires to submit evidence in opposition to the said rule shall do so by filing three (3) copies thereof in the form of verified statements with the Secretary of the Commission and serve copies of the same upon all persons named on the Service List on or before February 27, 1961;

It is further ordered: That any person who has filed and served direct evidence as provided in the third ordering paragraph hereof who desires to submit rebuttal evidence may do so in the form of verified statement by filing three (3) copies thereof with the Secretary of the Commission and serve copies of the same upon all persons named in the Service List on or before March 20, 1961;

It is further ordered: That any person who has given notice as provided in the first ordering paragraph hereof who desires to cross-examine an adversary witness whose written verified statement of fact has been filed pursuant to the provisions hereof shall notify the Secretary of the Commission and all persons named in the Service List within 10 days after the particular verified statement upon which he desires to cross-examine has been filed with the Secretary; that said notice shall identify the verified statement and the person desired to be cross-examined, and describe with particularity the matters in said verified statement upon which cross-examination is desired, and that failure to comply with the requirements of this order may result in denial of the request for cross-examination.

It is further ordered: That this proceeding will be assigned for oral hearing for the purpose of cross-examination at a time and place to be hereafter fixed.

It is further ordered: That all statements filed pursuant to the procedure herein set forth shall comply with Rules 1.49, 1.50 and 1.52 of the Commission's general rules of practice.

And it is further ordered: That notice of this proceeding be given to the general public by depositing a copy of this order in the office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register, Washington, D.C.

Dated at Washington, D.C., this 23d day of November A.D. 1960.

By the Commission.

[SEAL] Harold D. McCoy,
Secretary.

[F.R. Doc. 60-11161; Filed, Nov. 30, 1960; 8:48 a.m.]

NATIONAL LABOR RELATIONS BOARD

NOTICE OF NEW LOCATION AND ADDRESS

Pursuant to the provisions of section 3(a)(1) of the Administrative Procedure Act, 5 U.S.C. 1001, the National Labor Relations Board hereby separately states and concurrently publishes in the Notices section of the Federal Register the new address of the National Labor Relations Board at which the public may secure information or make submittals or requests.

The Board's new location and address is 1717 Pennsylvania Avenue, N.W., Washington 25, D.C., effective November 14, 1960.

(Sec. 6, 49 Stat. 452, as amended; 29 U.S.C. 156)

Dated, Washington, D.C., November 25, 1960.

By direction of the Board.

[SEAL] Ogden W. Fields,
Executive Secretary.

[F.R. Doc. 60-11168; Filed, Nov. 30, 1960; 8:49 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 9403 etc.]

CITY OF GALESBURG, ILL., ET AL.

Notice of Postponement of Prehearing Conference

City of Galesburg, Illinois, Docket 9403; Whiteside County Airport Board, Illinois, Docket 11280; City of Mt. Vernon, Illinois, Docket 11913; the Williamson County Airport Authority *et al.*, Docket 11917.

Notice is hereby given that the prehearing conferences on the above-entitled applications now assigned to be held on November 30, 1960 are postponed to December 8, 1960, at 2:00 p.m., e.s.t., Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Raymond J. Lynch.

Dated at Washington, D.C., November 28, 1960.

[SEAL] Francis W. Brown,
Chief Examiner.

[F.R. Doc. 60-11171; Filed, Nov. 30, 1960; 8:50 a.m.]

[Docket No. 5482 etc.; Order E-16073]

KANSAS-OKLAHOMA LOCAL SERVICE CASE

Order for Oral Argument

On October 31, 1960, the Board adopted its decision and order (Order E-15975) in this proceeding. Thereafter on November 22, 1960, petitions for reconsideration, rehearing and reargument were filed by the parties pursuant to Rule 37 of the rules of practice, and answers with respect to such petitions may be filed within 10 days thereafter. In view of the issues raised by such petitions, the Board has concluded that oral argument should be held upon such petitions before the full Board. The times allotted and the issues upon which argument will be heard with respect to such petitions will be announced shortly.

It is ordered: That oral argument before the full Board upon the petitions for reconsideration, rehearing and reargument in this proceeding be held on December 6, 1960, at 10:00 a.m., Room

1027, Universal Building, Washington, D.C.

By the Civil Aeronautics Board:

[SEAL] ROBERT C. LESTER, *Secretary.*

[F.R. Doc. 60-11172; Filed, Nov. 30, 1960; 8:50 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24S-1664]

BEN HUR GOLD, INC.

Notice and Order for Hearing

NOVEMBER 25, 1960.

I. Ben Hur Gold, Inc. (issuer), an Idaho corporation, P.O. Box 2853, Boise, Idaho, filed with the Commission on March 12, 1959, a notification on Form 1-A and an offering circular relating to an offering of 200,000 shares of its 10¢ par value stock at 10¢ per share for an aggregate offering of $20,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) and Regulation A promulgated thereunder.

II. The Commission on April 16, 1959 issued an order pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, temporarily suspending the exemption under Regulation A and affording to any person having an interest therein an opportunity to request a hearing pursuant to Rule 261. A written request for hearing was received by the Commission.

The Commission deeming it necessary and appropriate to determine whether to vacate the temporary suspension order or to enter an order permanently suspending the exemption,

It is hereby ordered: That a hearing under the applicable provisions under the Securities Act of 1933, as amended, and the rules of the Commission be heard at the United States Attorney's Office, Federal Building, Boise, Idaho at 10:00 a.m., on December 1, 1960 with respect to the following matters and questions, without prejudice, however, to the specification of additional issues which may be presented in these proceedings:

A. Whether an exemption under Regulation A is not available pursuant to Rule 252(d)(2) in that the president of the issuer has been enjoined by courts of competent jurisdiction.

B. Whether the terms and conditions of Regulation A have not been complied with, in that:

1. The notification on Form 1-A fails to disclose the names and addresses of the issuer's predecessors, as required by Item 2(a);

2. The notification on Form 1-A fails to set forth fully the information required by Items 5 and 9 as to the issuer's predecessors;

3. The issuer has failed to file copies of the governing instruments defining the rights of the 10¢ par value stock proposed to be offered, as required by Item 11(a) of Form 1-A.

C. Whether the offering circular contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, particularly with respect to:

1. The statements on page 5 concerning Earl Cedric Heffner, a director, a promoter, and the president of the issuer, and the failure to disclose fully and adequately his background and experience;

2. The statements on page 5 concerning William Alexander Hutton, a director of the issuer and its mining engineer, and the failure to disclose fully and adequately his background and experience;

3. The failure to disclose the insolvent condition of Good Hope Investors, Inc., an affiliate and predecessor of the issuer;

4. The failure to disclose the condition and value of the issuer's mining machinery;

5. The failure to disclose the material terms of the issuer's mining equipment contracts and liens, if any, on such equipment;

6. The failure to disclose adequately the contract terms for, the nature of the title to, and the royalties payable on The Windfall Property, The Millsite and Parker Placer, The Ben Hur Quartz Property, The Buffalo Quartz Property, and The Coy-Dowing Humdinger #1 Quartz Claim;

7. The failure to disclose adequately the results of work upon the issuer's mining properties;

8. The statement on page 8 that "This property contains from 1,000 to 1,500 feet of Creek Bed Placer that we believe to be workable";

9. The statement on page 11 that "Values are in Lode Gold with quite a lot of Silver in places; our preliminary assays indicate a fairly good grade of rock and widths are also quite good; what lies underneath and beyond is a something we would all like to know";

10. The adequacy of the information given in the first paragraph on page 13, concerning assay results;

11. The failure to disclose adequately (a) Information about the type, condition, and capacity of the issuer's mill, and (b) the justification for the proposed expenditures on the issuer's mill in light of the amount of known ore;

12. The failure to set forth adequate financial statements properly reflecting the issuer's financial condition;

13. The failure to set forth appropriate financial statements for the issuer's predecessor;

14. The failure to disclose that there is no established market for the issuer's stock and that the offering price of the stock is an arbitrary figure.

D. Whether the offering would be made in violation of section 17 of the Securities Act of 1933, as amended, in that in addition to the foregoing, among other things, statements are made implying the existence of commercial quantities of ore and successful mining operations.

III. *It is further ordered,* That Sidney Gross or any officer or officers of the Commission designated by it for that purpose shall preside at the hearing; that any officer or officers so designated to preside at any such hearing are hereby authorized to exercise all the power granted to the Commission under section 19(b), 21 and 22(c) of the Securities Act of 1933, as amended, and to hearing officers under the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by registered mail to Ben Hur Gold, Inc.; that notice of the entering of this order shall be given to all persons by general release of the Commission and by publication in the FEDERAL REGISTER. Any person who desires to be heard or otherwise wishes to participate in the hearing shall file with the Commission on or before November 29, 1960, a request relative thereto as provided in Rule IX of the Commission's rules of practice.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 60-11147; Filed, Nov. 30, 1960; 8:46 a.m.]

[File No. 24W-2344]

SABER BOATS, INC.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

NOVEMBER 25, 1960.

I. Saber Boats, Inc. (formerly Light House, Inc.), incorporated under the laws of the State of Maryland and formerly located at Accokeek, Maryland, filed with the Commission on January 27, 1960, a notification and offering circular relating to an offering of 106,875 shares of its 10 cent par value Class B non-voting stock, at $2 per share and 2,500 shares of its 10 cent par value Class A voting common stock at $2 per share, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to section 3(b) thereof and Regulation A promulgated thereunder. Batten and Company, with offices at 1835 K Street NW., Washington, D.C., was named as underwriter for this offering.

II. The Commission has reasonable cause to believe that:

A. The offering circular and other material used in connection with the offering contained untrue statements of material facts and omitted to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly with respect to:

1. The statement in the offering circular that the public offering price was $2 per share when in fact the stock was offered to some members of the public at $2 per share and to other members of the public at varying higher prices;

2. The statement in the offering circular that the issuer was owner of the "property and plant facilities" therein

described, when in fact legal title thereto was incomplete and was not completed until July 18, 1960;

3. The financial statements were not prepared in accordance with generally accepted accounting principles and practices in that the issuer represents ownership in the balance sheet of the land and building, when in fact the issuer did not have legal ownership of the assets represented therein.

B. The terms and conditions of Regulation A have not been complied with in that:

1. Sales were made to the public without the use of an offering circular as required by Rule 256; and

2. The issuer and the selling stockholder failed to file a complete and accurate report of sales on Form 2–A as required by Rule 260, in that the report, filed May 12, 1960, incorrectly states that the offering was completed May 2, 1960, at $2 per share by the broker-dealer firm named therein, and fails to disclose the actual commissions paid and received.

C. The offering has been made in violation of section 17(a) of the Securities Act of 1933, as amended.

III. *It is ordered,* Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within 30 days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission, for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will promptly be given by the Commission.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 60–11151; Filed, Nov. 30, 1960; 8:47 a.m.]

[File No. 70–3913]

MISSISSIPPI POWER & LIGHT CO.

Notice of Proposed Issuance and Sale Of Short-Term Notes to Banks

NOVEMBER 23, 1960.

Notice is hereby given that Mississippi Power & Light Company ("Mississippi"), a public-utility subsidiary of Middle South Utilities, Inc., a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a) and 7 of the Act as applicable to the proposed transactions. All interested persons are referred to said declaration for a statement of the proposed transactions which are summarized below.

By order dated January 12, 1959 (Holding Company Act Release No. 13910), the Commission authorized Mississippi, pursuant to a Credit Agreement with nine banks, to issue and sell, from time to time, during the period from January 15, 1959, to January 15, 1961, its promissory notes not to exceed at any one time outstanding an aggregate face amount of $5,000,000. Under said Credit Agreement, Mississippi may, at its option, extend the term of the agreement and the due date of its loans to January 15, 1962. In the present filing, Mississippi is seeking Commission approval to issue notes pursuant to such an extension.

Under the Credit Agreement, the company's notes bear interest at the rate of 4 percent per annum and are prepayable, in whole or in part, without premium, unless paid from the proceeds of other bank borrowings at a lower interest rate. The Credit Agreement also provides for the payment of a commitment fee computed at the rate of one quarter of one percent per annum on the daily average unused amount of commitments during the term of the Credit Agreement after June 15, 1959, subject, however, to the right of the company, upon 10 days notice, to terminate or reduce such obligation without penalty. As of August 7, 1960, in accordance with the terms of the Credit Agreement, Mississippi reduced the credit commitment of the nine banks to a total of $3,000,000, allocated as follows:

	Amount of commitment
The Hanover Bank	$1,500,000
Deposit Guaranty Bank & Trust Company	690,000
First National Bank of Jackson	450,000
Grenada Bank	120,000
The First National Bank & Trust Company of Vicksburg	66,000
Greenville Bank & Trust Company	60,000
The Merchants National Bank and Trust Company of Vicksburg	54,000
The Commercial National Bank of Greenville	36,000
The First National Bank of Greenville	24,000
	$3,000,000

The declaration shows that no such notes are currently outstanding, the last $1,000,000 having been repaid on November 3, 1960. Declarant states that to meet temporary cash needs during 1961, it is expected that $2,000,000 of loans will be required in January 1961 and that an additional $1,000,000 will be borrowed in March 1961. The company presently anticipates that the entire amount will be repaid prior to December 1961.

The only expenses to be incurred in connection with the proposed transactions are miscellaneous expenses which are estimated at $50.00. The declaration states that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than December 12, 1960, at 5:30 p.m., request in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 60–11150; Filed, Nov. 30, 1960; 8:46 a.m.]

[File No. 24S–1773]

EDSCO MANUFACTURING CO., INC.

Order Changing Place of Hearing

NOVEMBER 25, 1960.

The Commission, by order dated November 7, 1960, having ordered a hearing in the above entitled matter pursuant to section 3(b) and the Securities Act of 1933, as amended, and Rule 261 thereunder and said hearing being now scheduled to commence on December 5, 1960 at 10:00 a.m., P.s.t., at the Clark County Courthouse, Vancouver, Washington; and

Counsel for the Division of Corporation Finance having requested that the place of hearing be changed and counsel for the issuer not objecting thereto;

It is ordered, That the hearing scheduled to commence on December 5, 1960 be held at 10:00 a.m., P.s.t., in the United States Attorney's Office, United States Post Office and Federal Building, Portland, Oregon, and to continue thereafter at such time and place as the hearing officer may determine.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 60–11149; Filed, Nov. 30, 1960; 8:46 a.m.]

[File No. 70–3917]

COLUMBIA GAS SYSTEM, INC.

Notice of Proposed Execution of Surety Bond by Holding Company for Public-Utility Subsidiary

NOVEMBER 23, 1960.

Notice is hereby given that The Columbia Gas System, Inc. ("Columbia"), a registered holding company, has filed a declaration, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 12(b) of the

Act and Rule 45 promulgated thereunder as applicable to the proposed transaction, which is summarized as follows:

United Fuel Gas Company ("United"), a wholly-owned gas utility subsidiary company of Columbia, has filed with the Public Service Commission of West Virginia ("West Virginia Commission"), an application for increased gas rates estimated to produce increased annual revenues of approximately $4,682,000. Under applicable West Virginia law, United is collecting the higher rates provided for in the rate filing subject to the obligation to refund with interest, any portion of the higher rates which may ultimately be determined to be excessive. This refund obligation is now guaranteed by two bonds in the amounts of $1,600,000 and $100,000 executed by United with Columbia acting as surety. On November 2, 1960, the West Virginia Commission issued an order requiring the posting of an additional bond of $1,000,000 as security for the obligation to refund and it has indicated its willingness to accept Columbia as surety. Columbia, therefore, proposes to act as surety on said bond without fee or other charges to United in order to relieve United of paying the customary fee of an insurance company. In the event any portion of the increased rates should ultimately be determined to be excessive, United, as required, will make refunds in the ordinary course of business out of its general corporate funds.

It is estimated that the fees and expenses to be incurred in connection with the proposed transaction will be limited to $100 for services of the Columbia Gas System Service Corporation rendered primarily in connection with the present filing.

The declaration states that, other than for the acceptance of the proposed surety bond by the West Virginia Commission, no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than December 5, 1960, at 12:30 p.m., request this Commission in writing that a hearing be held in respect of such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the rules and regulations promulgated under the Act, or the Commission may grant exemption from its rules as provided in Rules 20(a) and 100 thereof, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 60-11148; Filed, Nov. 30, 1960; 8:46 a.m.]

[File No. 24S-1761]

UTAHCAN, INC.

Order Changing Place of Hearing

NOVEMBER 25, 1960.

The Commission, by order dated November 7, 1960, having ordered a hearing in the above entitled matter pursuant to section 3(b) and the Securities Act of 1933, as amended, and Rule 261 thereunder and said hearing being now scheduled to commence on November 29, 1960 at 10:00 a.m., P.s.t., at the Federal Building, Spokane, Washington; and

Counsel for the Division of Corporation Finance having requested that the place of hearing be changed and counsel for the issuer not objecting thereto;

It is ordered, That the hearing scheduled to commence on November 29, 1960 be held at 10:00 a.m., P.s.t., in the United States Attorney's Office, United States Post Office and Courthouse, Spokane, Wash., and to continue thereafter at such time and place as the hearing officer may determine.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 60-11152; Filed, Nov. 30, 1960; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

[Docket No. S-119]

MOORE-McCORMACK LINES, INC.

Notice of Application and of Hearing

Notice is hereby given of the application of Moore-McCormack Lines, Inc., for written permission of the Maritime Administrator, under section 805(a) of the Merchant Marine Act, 1936, as amended, 46 U.S.C. 1223, for its owned vessel, the "Mormacguide", which is under time charter to States Marine Lines to engage in one intercoastal voyage commencing at United States North Pacific ports on or about December 9, 1960, to load a cargo of lumber and/or lumber products for discharge at United States Atlantic ports. This application may be inspected by interested parties in the Office of Hearing Examiners, Maritime Administration, Washington, D.C.

A hearing on the application has been set before the Maritime Administrator for December 8, 1960, at 9:30 a.m., e.s.t., in Room 4519, General Accounting Office Building, 441 G Street NW., Washington 25, D.C. Any person, firm, or corporation having any interest (within the meaning of section 805(a)) in such application and desiring to be heard on issues pertinent to section 805(a) must, before the close of business on December 7, 1960, notify the Secretary, Maritime Administration in writing, in triplicate, and file petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief. Notwithstanding anything in Rule 5(n) of the rules of practice and procedure, Maritime Administration, petitions for leave to intervene received after the close of business on December 7, 1960, will not be granted in this proceeding.

Dated: November 29, 1960.

THOMAS LISI,
Secretary.

[F.R. Doc. 60-11200; Filed, Nov. 30, 1960; 8:52 a.m.]

GENERAL SERVICES ADMINISTRATION

[Delegation of Authority 391]

SECRETARY OF THE INTERIOR

Disposal of Certain Government Owned Real Property Comprising a Portion of Wheelock Academy

1. Pursuant to authority vested in me by the provisions of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended (hereinafter referred to as "the Act"), authority is hereby delegated to the Secretary of the Interior to dispose of 30 acres of vacant land consisting of the East ½ of the Northeast ¼ of the Northeast ¼; the Northeast ¼ of the Southeast ¼ of the Northeast ¼ of Section 34, Township 6 South, Range 22 East, comprising a portion of the former Wheelock Academy, Millerton, Oklahoma, by sale upon such terms as may be deemed advantageous to the United States. Provided, that in the case of a negotiated disposal not less than the appraised value shall be obtained.

2. The authority conferred herein shall be exercised in accordance with the Act and regulations of the General Services Administration issued pursuant thereto, including the screening required by GSA Reg. 2-V-405.02, .03 and .04; except, however, that no screening of the property as required by GSA Reg. 2-IV-202.05 need be conducted since the property has been screened among Federal agencies and a determination made that no Federal need exists therefor.

3. In the event of a negotiated sale, the Secretary of the Interior shall submit to the appropriate Committees of Congress an explanatory statement of the type required by section 203(e) of the Act. A copy of each such statement shall be furnished to the General Services Administration.

4. The authority delegated herein may be redelegated to any officer or employee of the Department of the Interior.

5. This delegation of authority shall be effective as of the date hereof.

Dated: November 25, 1960.

FRANKLIN FLOETE,
Administrator.

[F.R. Doc. 60-11159; Filed, Nov. 30, 1960; 8:48 a.m.]